

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of May 2, 2007**

RE: I.D. # 05904: Zoning Map Amendment I.D. 3260 & 3261, rezoning 22 E. Dayton Street from PUD-GDP-SIP to Amended PUD-GDP-SIP

1. Requested Actions: Approval of a request to rezone 22 E. Dayton Street from Planned Unit Development, General Development Plan/ Specific Implementation Plan (PUD-GDP-SIP) to Amended PUD-GDP-SIP to allow construction of a 48-unit apartment building.
2. Applicable Regulations: Section 28.12 (9) provides the process for zoning map amendments; Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments.
3. Report Prepared By: Timothy M. Parks, Planner.

GENERAL INFORMATION

1. Applicant & Property Owner: Scott Lewis, CMI; 106 E. Doty Street; Madison.
Agent: John W. Sutton, Sutton Architecture; 104 King Street; Madison.
2. Development Schedule: The applicants propose to begin construction in fall 2007, with completion in fall 2008.
3. Location: Approximately 0.33-acres generally located on the north side of E. Dayton Street approximately midway between Wisconsin Avenue and N. Pinckney Street; Aldermanic District 4; Madison Metropolitan School District.
4. Existing Conditions: A seven-unit apartment building formerly located at 18 E. Dayton Street has been relocated to 206 N. Pinckney Street; a two-family residence at 24 E. Dayton Street is in the process of being demolished.
5. Proposed Land Use: A new 48-unit apartment building with 47 underground parking stalls.
6. Surrounding Land Use and Zoning:
North: First United Methodist Church, zoned C2 (General Commercial District) and multi-family residences, zoned R6 & R6H (General Residence Districts);
South: Multi-tenant office buildings and structured parking, zoned C4 (Central Commercial District) and PUD-SIP;

East: Multi-family residences, zoned R6 and C2;

West: First United Methodist Church, zoned C2.

7. Adopted Land Use Plan: The Comprehensive Plan includes the eastern portion of the block within the "Mansion Hill Downtown Residential Sub-District" while the western portion of the block is located within the "Downtown Core Mixed-Use Sub-District." The block is also located within the limits of the 1983 Fourth District – Old Marketplace Neighborhood Plan Strategy, which encourages the character of redevelopment activities to be consistent with the historical character of the surrounding neighborhood, in this case, Mansion Hill.
8. Environmental Corridor Status: The property is not located within a mapped environmental corridor.
9. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the Planned Unit Development District standards.

PREVIOUS APPROVALS/ RELATED PROJECT

On August 1, 2006, the Common Council approved a request to rezone 203 Wisconsin Avenue from R6 and R6H to C2 and a demolition permit to allow razing of a former church building wing to allow expansion of First United Methodist Church along E. Johnson Street and construction of a new parking lot at E. Dayton Street and Wisconsin Avenue. On the same night, the Council approved a request to rezone 22 E. Dayton Street and 208 N. Pinckney Street from R6H and C2 to PUD-GDP-SIP and a demolition permit to allow relocation of an existing seven-unit apartment building from 18 E. Dayton Street to 208 N. Pinckney Street and demolition of a two-family residence at 24 E. Dayton Street, all to allow construction of a 48-unit apartment building at 22 E. Dayton Street.

PLAN REVIEW

The applicant is requesting approval of a specific implementation plan for a 0.33-acre lot located on the north side of E. Dayton Street approximately midway between Wisconsin Avenue and N. Pinckney Street to allow construction of a new 48-unit apartment building with 47 underground parking stalls. The proposed apartment building was approved as part of the granting of planned unit development zoning for this site and a 0.15-acre property located at 206-208 N. Pinckney Street, which was approved for the relocation of a seven-unit apartment building from 18 E.

Dayton Street to 208 N. Pinckney. The PUD-GDP-SIP also provided zoning continuity for the two-family residence at 24 E. Dayton Street until its demolition to accommodate the proposed apartment building, and for a two-family residence at 206 N. Pinckney Street, which will remain as part of the project. A condition of approval of the initial rezoning called for an amended specific implementation plan that included final details on building architecture, materials and landscaping to be submitted for approval prior to the issuance of building permits for the 48-unit apartment building.

The condition also required that a final Inclusionary Dwelling Unit Plan shall be submitted with the final plans that provides a unit count for the apartment building and unit dispersion plan in conformance with ordinance requirements. However, the State Court of Appeals voided the rental component of the Inclusionary Zoning Ordinance in August 2006. This action preceded the publication of the ordinance rezoning the subject property to PUD. Therefore, this project is not subject to the inclusionary zoning provisions of the Zoning Ordinance.

Project Description

The five-story, 48-unit apartment building will occupy most of the 0.33-acre site and will contain 3 studio units, 28 one-bedroom units and 17 two-bedroom units. A driveway from E. Dayton Street will extend along the east wall of the proposed apartment building to provide access to the 47 under-building parking spaces, and will connect to the church driveway to be constructed off of E. Johnson Street. The upper level of under-building parking will be largely below grade at the E. Dayton Street elevation, but will become exposed as the building extends north from the street. A total of seven surface parking stalls located at the rear of both the relocated seven-unit building at 208 N. Pinckney Street and the two-family residence at 206 N. Pinckney Street will serve the entire planned unit development. A loading zone and trash enclosure for the project will be provided along the north wall of the 48-unit apartment building.

The proposed 48-unit building will primarily be faced with a brick veneer above a stone base and will incorporate modest step-backs and/or horizontal reveals at the fourth and fifth floors to add visual interest to the building and reduce its mass along E. Dayton Street. The applicant indicates that open space for the building will be provided in an 1,800 square-foot landscaped area along the western side wall of the building above the partially exposed upper level of the under-building parking with an additional 1,500 square feet of open space to be provided in porches or balconies for approximately 43 of the 48 units. Staff asks that the applicant clarify whether the open space along the western wall at the first floor will be available to all tenants within the project or solely for the four units adjacent.

The seven-unit apartment building has been relocated from 18 E. Dayton Street to its new site on N. Pinckney Street and is currently being renovated, while First United Methodist Church has

completed the demolition of the school wing on E. Dayton Street and is currently constructed its E. Johnson Street addition. The implementation of the First United Methodist Church and Lewis projects required the adjustment of common property boundaries, the granting of access and fire easements, and the construction of a shared-use mid-block driveway/fire lane. A Certified Survey Map was recorded in September 2006 to address the necessary lot line adjustments and easement dedications needed to implement the two projects. The shared driveway will be completed later in the implementation of the two projects.

Inclusionary Zoning

The State Court of Appeals voided the rental component of the Inclusionary Zoning Ordinance in August 2006, shortly before the applicant's planned unit development zoning map amendment was published by the City Clerk's Office following the August 1, 2006 Common Council action. As a result, Inclusionary Zoning does not apply to this project.

ANALYSIS & CONCLUSION

The Planning Division believes that final plans for the 48-unit building proposed at 22 E. Dayton Street are in significant conformance with the plans for the building included with the original PUD-GDP-SIP for this site and the two properties on N. Pinckney Street. Staff continues to feel that the resulting units should result in increased housing opportunities on the block and in the Mansion Hill neighborhood, and believes that the request can comply with the standards for planned unit developments. The proposed 48-unit apartment should be a complementary addition to Block 91, Outer Loop and downtown core. The scale of the proposed building appears to be similar to two other multi-family buildings located adjacent to the site at the corner of N. Pinckney and E. Dayton streets, while the architecture of the building should complement the adjacent historic neighborhood.

The Comprehensive Plan includes the eastern portion of the block within the "Mansion Hill Downtown Residential Sub-District" while the western portion of the block is located within the "Downtown Core Mixed-Use Sub-District." The proposed 48-unit apartment building appears to straddle the line between the two sub-districts. In general, the Comprehensive Plan provides few specific recommendations in relation to this block but generally encourages new development to include very high quality urban design and architecture with buildings placed close to the street and structured and underground parking. High importance is placed on ensuring that new developments compliment the character in existing neighborhoods, particularly historic neighborhoods. In general, the Planning Division feels the objectives of the Comprehensive Plan relative to this site are accomplished by the 48-unit apartment project, which proposes a well-designed urban building placed close to the street.

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The Urban Design Commission reviewed the final plans for the building on March 7, 2007 and recommended initial approval (see attached report).

RECOMMENDATION

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment 3261, rezoning 22 E. Dayton Street from PUD-GDP-SIP to Amended PUD-SIP, to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the applicant revise the SIP plan set per Planning Division approval to show the following:
 - a.) whether the open space along the western wall at the first floor is available to all tenants within the project or solely for the four units adjacent;
 - b.) that the elevations identify the unidentified building material proposed on the fourth and fifth floors on the E. Dayton Street elevation.

MICHAEL BEST

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May 2, 2007

VIA HAND DELIVERY

Nancy E. Fey, Chair
City of Madison Plan Commission
Room G-100
210 Martin Luther King, Jr. Blvd.
Madison, WI 53703

Re: 22 East Dayton Street

Dear Ms. Fey:

This letter is written on behalf of the First United Methodist Church ("First Church") Building Committee, of which I am co-chair, concerning the above referenced application for a Specific Implementation Plan ("SIP") approval. Our First Church Building Committee urges approval of this SIP at the May 7, 2007 meeting of the Plan Commission.

As you may recall, First Church is literally the first church in Madison, having conducted the first religious service in November, 1837. The congregation has been on the same block since 1850. Scott Lewis and First Church have jointly worked to redevelop that entire block bounded by East Dayton Street, Wisconsin Avenue, East Johnson Street and North Pinckney Street. To that end, First Church and Scott Lewis have engaged in land swaps, common landscaping plans, temporary easements for construction access, architectural approvals, and the like.

These efforts have included the First Church approval of the design of the proposed apartment building at 22 East Dayton Street to be constructed by Mr. Lewis. To that end, our committee has met on numerous different occasions with Mr. Lewis and he has made significant, substantial and beneficial changes to his architecture, which we believe not only enhances his project, but also improves the sight lines from First Church. We also want to highlight the fact that Mr. Lewis has relocated a home from the site of the new apartment building to a vacant lot on North Pinckney Street which had previously been owned by First Church. It fits perfectly, like a hand in a glove. The quality of workmanship that Mr. Lewis brings to his projects is extraordinary and we are proud to be part of these projects.

Again, we appreciate the hard work of the Plan Commission and hope the Commission supports the approval of the SIP for 22 East Dayton Street. If there are any questions, please do not hesitate to contact me at 608.695.4946.

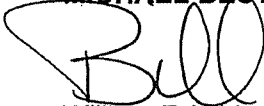
MICHAEL BEST

& FRIEDRICH LLP

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Sincerely,

MICHAEL BEST & FRIEDRICH LLP


William F. White

WFW:jas

cc: City of Madison Plan Commissioners
Scott C. Lewis
John Sutton
Doug Kozel
Bradley A. Murphy
Timothy Parks
Ledell Zellers
Eugene S. Devitt
Fred Mohs
Alder Michael Verveer
Reverend Keith Schroerlucke
First United Methodist Church Building Committee

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