

ADDENDUM**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
June 2, 2008****RE: I.D. # 09982: Zoning Map Amendment I.D. 3348, Rezoning of 31 S. Henry Street from C4 to PUD-GDP-SIP**

1. Requested Actions: Approval to rezone the property from C4 (Central Commercial District) to PUD-GDP-SIP (Planned Unit Development Plan-General Development Plan-Specific Implementation Plan) to allow a renovation and building addition to create a total of 59 apartment units with first floor retail and office space.
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: Kevin Firchow, AICP, Planner

PREVIOUS ACTION

The Plan Commission referred this matter on May 19, 2008 and requested that the City Attorney's office provide an opinion on the enforceability of the common party wall agreement and its applicability to Plan Commission's deliberations. This memorandum was provided in the Plan Commission packets for the June 2 meeting.

ANALYSIS AND CONCLUSION

The applicant's agent contacted planning staff on Friday May 30, requesting that the project be considered on June 2, 2008 (as previously scheduled). In making this request the applicant's agent stated the issues regarding the "party wall" agreement have been addressed and that the plans have been revised so as not to impact the shared wall.

Staff has reviewed the current plans and discussed them with the applicant. Changes to the configuration of the shared wall are difficult to assess from the revised site plans and elevations. The applicant has provided supplemental graphics further explaining the situation and these will be provided with late meeting handouts this evening. In addition, staff recommend that the applicant provide an exhibit verifying the proposed project will be constructed on property owned by the applicant. This exhibit should be based on a survey prepared by a registered Wisconsin Land Surveyor. The applicant has indicated a recent survey is available and can be provided to staff.

Staff note that the distributed plan set, dated May 28, 2008, is identical to the one submitted for final Urban Design Commission consideration on June 4, 2008.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find that the standards for zoning map amendments and planned unit developments met and forward Zoning Map Amendment 3348, rezoning 31 South Henry Street from C4 (Central Commercial District) to Planned Unit Development-General Development Plan & Specific Implementation Plan (PUD-GDP-SIP) with a recommendation of **approval**, subject to input at the public hearing and conditions stated below.

In the alternative, the Plan Commission could recommend referral of the project to a future meeting to evaluate the additional information provided by the applicant, upon receiving final approval of the Urban Design Commission.

1. Comments from reviewing agencies.
2. That the applicant resolve the remaining design issues noted in the minutes of the Urban Design Commission and that the applicant obtain final Urban Design Commission approval prior to final staff sign-off of the zoning map amendment.
3. That the applicant add a note to the site plan indicating that on-site outdoor eating areas are not included in this approval and shall be considered by the Plan Commission as an alteration to the SIP.
4. That the developer submit proof of financing and an executed contract with a construction firm, which provides assurances that the project will be completed once started, in a form acceptable to the Director of the Department of Planning and Community & Economic Development prior to any permits being issued.
5. That the applicant provides a mock-up of the proposed cement siding materials for staff approval.
6. That final design of the restaurant projection be provided for Planning staff approval.
7. That the applicant prepares an exhibit, based on a survey from a registered Wisconsin Land Surveyor, that accurately verifies the location of the property line to confirm the proposed development is not extended into property not owned by the applicant.
8. That the approval includes the conditions previously recommended by Capital Neighborhoods, Inc. in their letter presented to the Plan Commission on May 19, 2008.

Firchow, Kevin

From: Noonan, Katherine
Sent: Monday, June 02, 2008 10:35 AM
To: Firchow, Kevin
Cc: May, Michael
Subject: 31 South Henry

Kevin - You indicated that the newly submitted plans do not clearly show that the party wall has been removed from the design. If that is the case, I would suggest that a survey be performed by the applicant to verify the property line in that area. The survey will avoid the possibility of the applicant extending the partywall three additional stories into space not owned by him. Thank you. Kitty Noonan

Firchow, Kevin

From: Jerry E. McAdow [jmcadow@lathropclark.com]
Sent: Saturday, May 31, 2008 10:55 PM
To: Firchow, Kevin
Subject: RE: 31 South Henry Street

Thanks for the "heads up" Kevin.

The Diocese has met with Cliff Fisher and his attorney. Technically we are no longer opposing the project but we are still very concerned with the status of the plans and our respective engineers need to analyze their plans for doing a work-around on the party wall agreement. We remain concerned that the existing party wall not be negatively impacted in any way by the proposed project and do not want it to go ahead until the engineers on both sides agree that the new structure will not impact the wall in any way or to any extent.

Again, thanks for the alert.

Jerry

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www.lathropclark.com

From: Firchow, Kevin [mailto:KFirchow@cityofmadison.com]
Sent: Friday, May 30, 2008 10:08 AM
To: Jerry E. McAdow
Subject: 31 South Henry Street

Mr. McAdow:

I wanted to advise you that the project is on the PC agenda for next Monday (June 2), as scheduled. The applicant's agent had previously requested referral this week, but now has revised the plans and requested that they proceed.

6/2/2008

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CAPITOL

NEIGHBORHOODS, INC.
MADISON, WISCONSIN

May 19, 2008

Mr. Brad Murphy
City of Madison
Planning Department
215 Martin Luther King Jr. Blvd.
Madison, WI 53703

RE: 31 S. HENRY ST.

Bassett District Steering Committee Review

Dear Mr. Murphy,

The Bassett District of Capitol Neighborhoods has established a steering committee to work with the developer of the referenced proposal. The steering committee has met with the development team on a couple of occasions and there has also been a presentation to the larger neighborhood early in the review process.

Overall residents of the neighborhood are supportive of the concept of reuse and expansion of this structure and the proposed uses of the building. The proposal is consistent with the Bassett Neighborhood and Madison Comprehensive plans. The size and mass of the proposed building is compatible with the adjacent properties.

During our interaction with the development team and the presentations to the UDC we believe that significant improvements have been made to the proposal. The development team has been receptive to input provided by the neighborhood. There are several issues which remain unresolved and therefore we urge the Plan Commission to adopt the following conditions as part of any approval of this proposal.

1. Onsite parking spaces for 3-5 mopeds shall be provided on the plans. Additionally, text should be included in tenant leases which notes that parking mopeds on the public terrace is not permitted under City ordinance.
2. A plan for protection of the existing trees in the public right of way shall be included in the plans. The fence around the trees shall include a rigid horizontal top member to insure the integrity of the fence. The developer shall provide to the neighborhood the name and telephone number of a contact person who will be responsible for insuring that the tree protection is maintained.

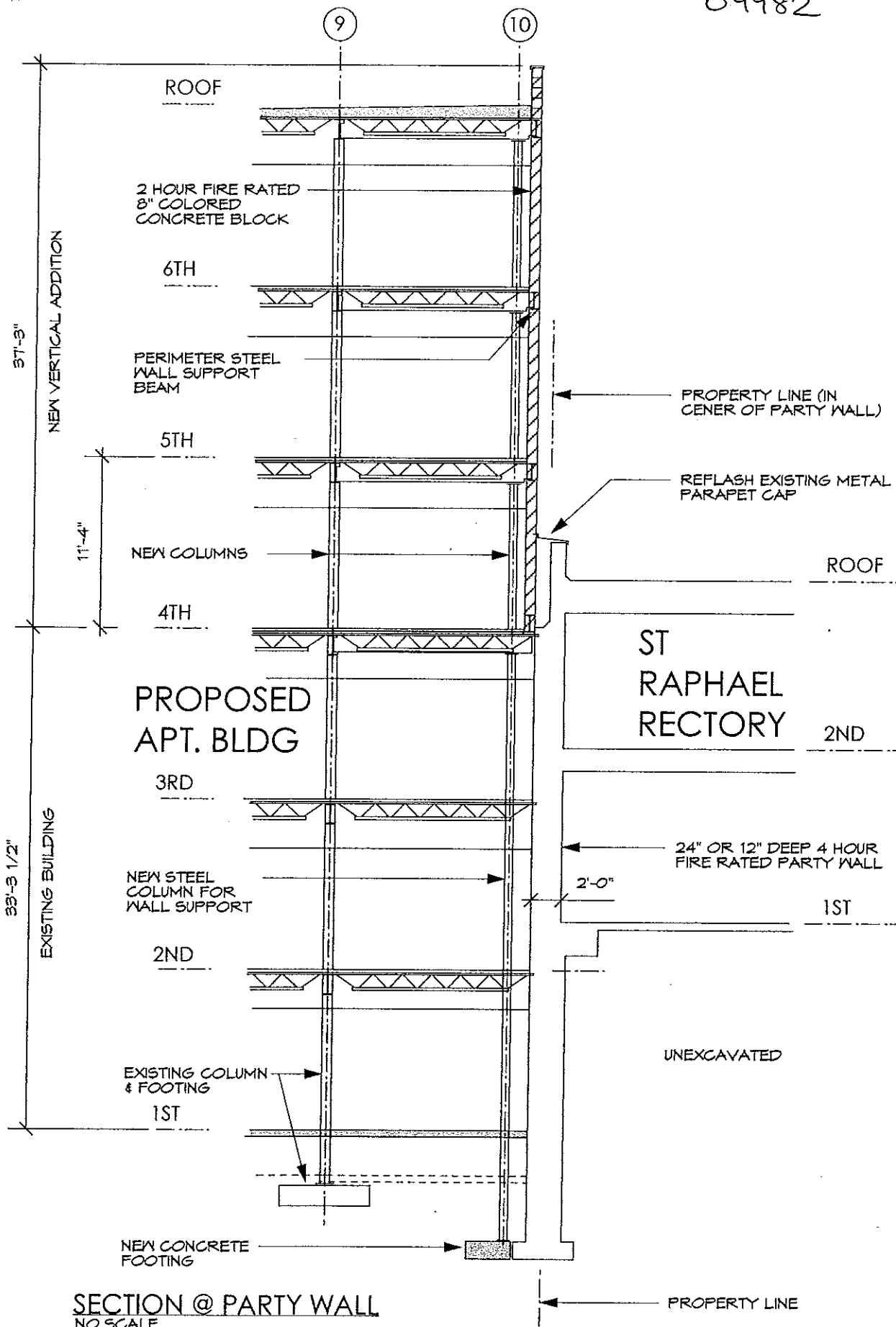
May 19, 2008

3. Final approval of the fiber cement siding panels shall be subject to UDC and planning Department approval.
4. The roofing material shall be a reflective type to reduce the heat island effect. The material shall have a solar reflective index of 78 or greater. (This is the current LEED specification for reflective roofs)
5. If a cooling tower is placed on the roof the choice of equipment and the construction of the screening shall be designed to minimize the noise levels produced so as to restrict the noise impact on adjacent properties.
6. The outdoor eating areas either on site or in the public right of way are not included in this approval. Further details including the type of use and hours of operation will be required before outdoor eating areas can be approved.

Thank you for your consideration,



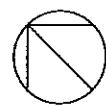
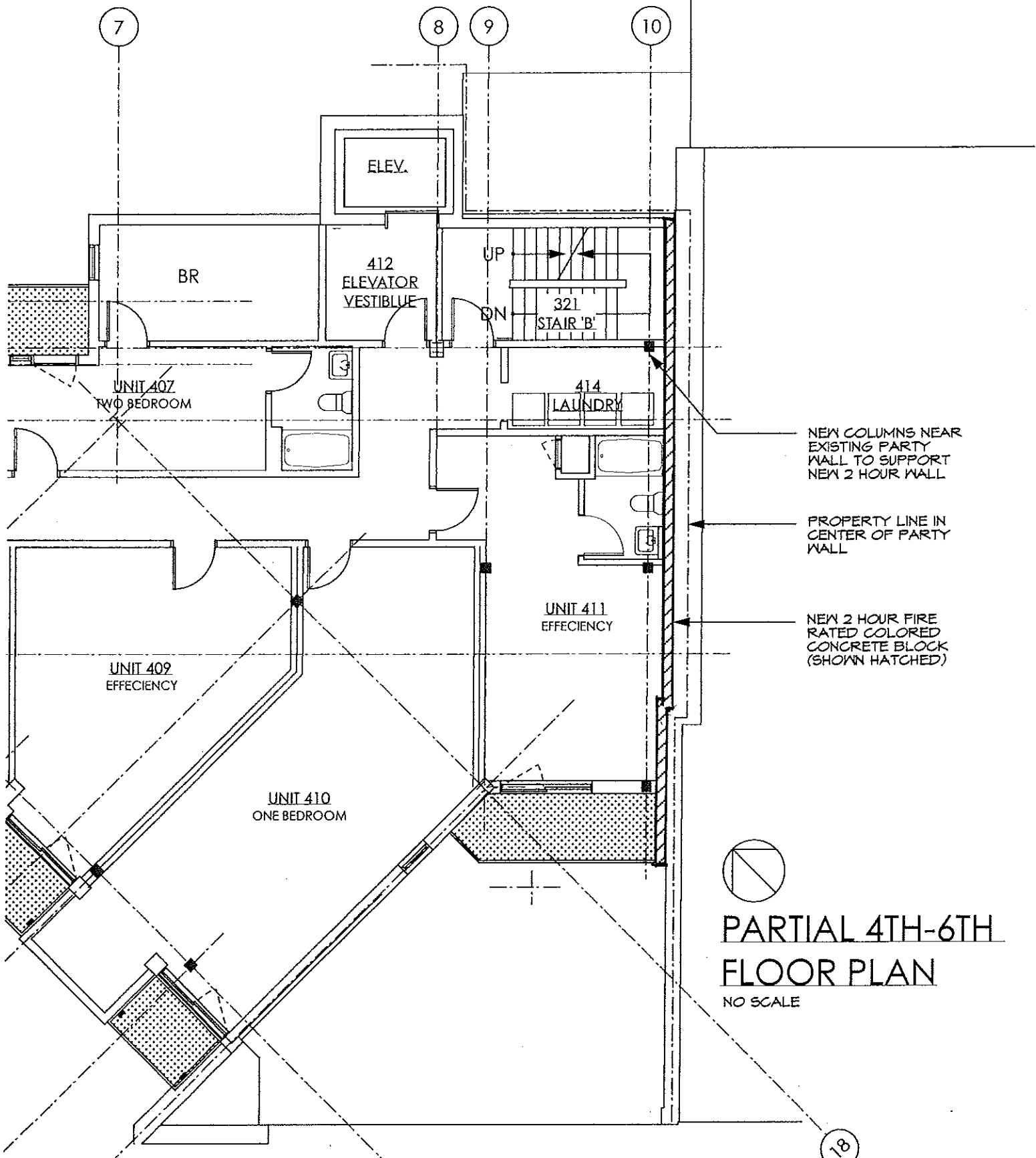
Peter Ostlind
Chair Bassett District
Capitol Neighborhoods



SECTION @ PARTY WALL
NO SCALE

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SDI



PARTIAL 4TH-6TH FLOOR PLAN

NO SCALE

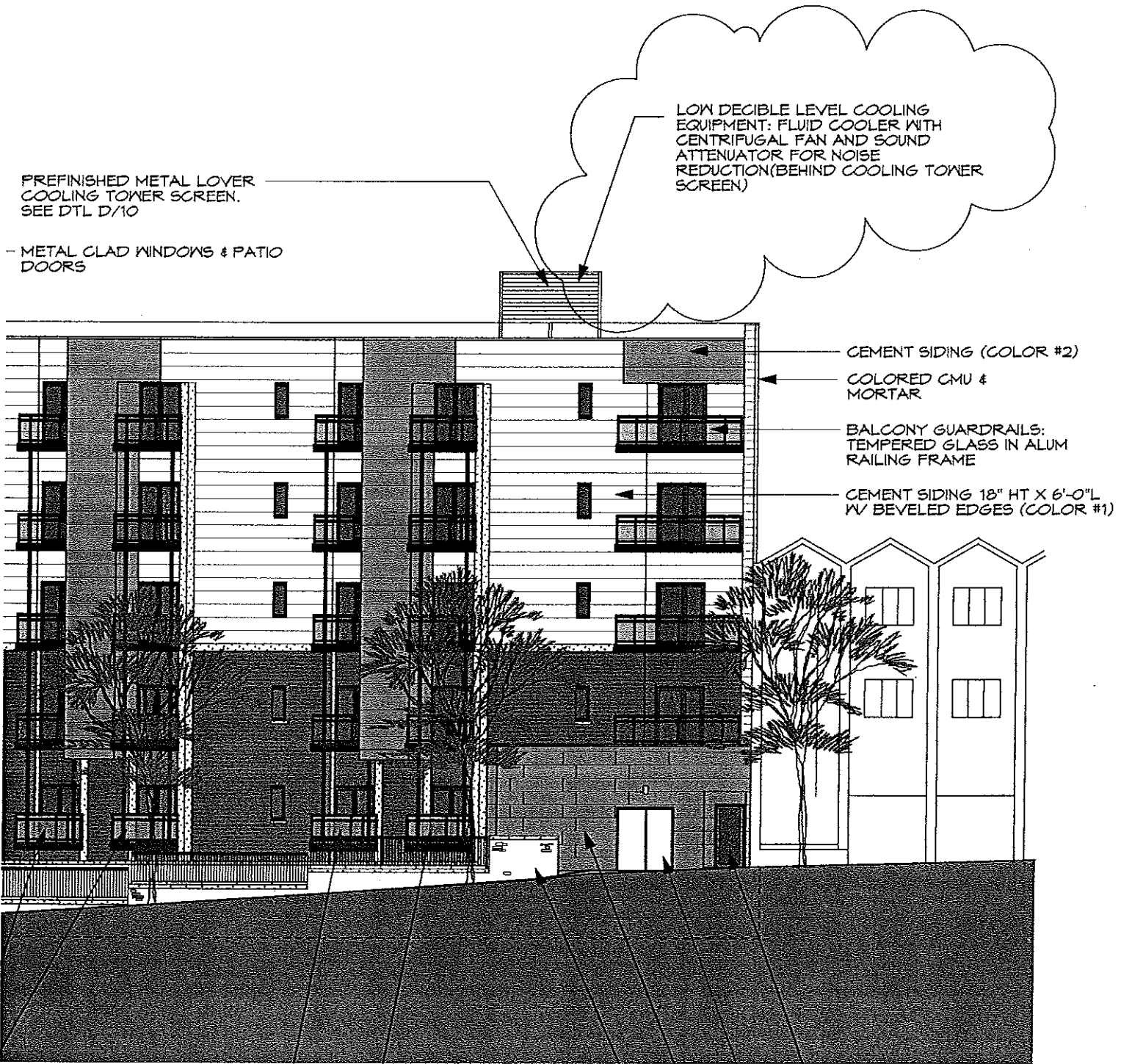
- NEW COLUMNS NEAR EXISTING PARTY WALL TO SUPPORT NEW 2 HOUR WALL
- PROPERTY LINE IN CENTER OF PARTY WALL
- NEW 2 HOUR FIRE RATED COLORED CONCRETE BLOCK (SHOWN HATCHED)

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<p>PROJECT</p> <p>BUILDING REMODEL & ADDITION 31 South Henry Street, Madison, WI</p>	<p>ARCHITECT</p> <p>DAVID FERCH, ARCHITECTS 2704 Gregory Street, Madison, WI 53711 608.238.4700 FAX: 608.233.9171</p>	<p>DATE</p> <p>6/2/08</p> <p>00811</p> <p>Project No. _____ Date _____</p> <p>Sheet No. _____</p>	<p>SD2</p>
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LOW DECIBEL SOUND EQUIPMENT NOTE



PREFINISHED METAL LOVER
COOLING TOWER SCREEN.
SEE DTL D/10

- METAL CLAD WINDOWS & PATIO
DOORS

LOW DECIBEL LEVEL COOLING
EQUIPMENT: FLUID COOLER WITH
CENTRIFUGAL FAN AND SOUND
ATTENUATOR FOR NOISE
REDUCTION (BEHIND COOLING TOWER
SCREEN)

CEMENT SIDING (COLOR #2)

COLORED CMU &
MORTAR

BALCONY GUARDRAILS:
TEMPERED GLASS IN ALUM
RAILING FRAME

CEMENT SIDING 18" HT X 6'-0" L
W/ BEVELED EDGES (COLOR #1)

- TRANSLUCENT GLASS PRIVACY
SCREEN IN METAL RAILING (4 UNITS)

- INFILL EXISTING WINDOW OPENING W/
BRICK SALVAGED FROM DEMOLITION (TYPICAL)

- EXISTING STONE RETAINING WALL &
METAL GUARDRAIL

- EXISTING FACE BRICK

1" TEMPERED INSULATED GLASS
DOOR IN ALUM FRAME

HOLLOW METAL DOORS PAINTED

CEMENT SIDING (COLOR #2)

EXISTING STONE

PARTIAL SOUTH HENRY STREET ELEVATION

SCALE: 1/16" = 1'-0"

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PROJECT	ARCHITECT	DATE
BUILDING REMODEL & ADDITION	DAVID FERCH, ARCHITECTS	6/2/08
31 South Henry Street, Madison, WI	2704 Gregory Street, Madison, WI 53711 608.235.6700 FAX 608.233.9171	5/28/08
		00811 3/18/08
		4/1/08
		4/16/08
		4/30/08
		7