



ADDENDUM: Report to the Plan Commission

July 7, 2011

Legistar I.D. #22443

1001 University Avenue

Demolition Permit & PUD Zoning Map Amendment

Report Prepared By:

Kevin Firchow, AICP
Michael Waidelich,
and Other Planning
Division Staff

On June 20, 2011 the Plan Commission referred this item for the applicant to determine whether the proposed building can be adjusted to eliminate the shading impact on the stained glass sanctuary windows during morning hours, all days of the year. In response to this referral, the applicant has provided supplemental shadow studies and two revised massing models and has requested this item return to the Commission for their consideration.

This Addendum includes the following:

1. Summary of New Materials
2. Consistency with the Comprehensive Plan
 - A. Response to 6/20 Comments from Prof. Ohm
 - B. Response to 7/7 Comments from Prof. Ohm
3. Additional Approval Standard Considerations
4. Conclusion

1. Summary of New Materials

The applicant has provided the following supplemental exhibits in response to the Plan Commission's referral. The first five graphics depict the existing shadows and do not reflect the proposed 12-story building. November 1 has been used as the date of the simulated shadows. Times are as specified below.

- **UW Grainger Hall Shadow Study (8:00 am).** This graphic shows that the existing Grainger Hall building provides morning shadowing on the eastern sanctuary windows. On November 1, these shadows are present at 8:00 am.
- **Luther Memorial Shadow Study (10:30 am).** This graphic shows that the projecting wing on Luther Memorial Church provides partial shading of some eastern sanctuary windows at 10:30 am on November 1.
- **Luther Memorial Shadow Study (2:00 pm).** Similar to the above, this graphic shows the afternoon shadow impacts created by the Church's projecting wing on the western sanctuary windows.
- **Grand Central Shadow Study (12:00 pm).** This graphic depicts the shadow impact on a portion of the western sanctuary windows, showing partial shading at 12:00 pm.
- **UW Chemistry Building Shadow Study (4:15 pm).** This graphic depicts the shadowing impacts on the western sanctuary windows.
- **Shadows Affecting Luther Memorial (8:00 am, 10:30 am, 12:00 pm, 2:00 pm, 4:15 pm).** This is a composite graphic showing the different existing shadow impacts at various times of the day.

The next graphics show two alternative massing models, both consistent with the Plan Commission's request to eliminate additional shadowing on the sanctuary windows. Please note, the applicant has indicated that these models are for discussion purposes only. The attached correspondence from the applicant indicates that neither model is financially feasible due to the limited number of dwelling units. Both concepts are combinations of four and three-story buildings. Shadows are estimated on April 1.

- **Design Option 8.** This conceptual massing model shows a combination three and four story building with 37 units and 101 bedrooms. At 8:00 am, plans show the building provides no additional shadowing on the Luther Memorial sanctuary windows. The four story element appears to be set closer to University Avenue than with the proposed building, though no specific dimensions are provided. In this option, the original portion of the St. Francis House appears to be moved to the same location as on the previously submitted plans.
- **Design Option 9.** This conceptual massing model shows a similar three and four story building with 49 apartments and 153 bedrooms. Like the previous submittal, the building does not appear to cast a shadow on the eastern sanctuary windows as of 8:00 am. Unlike the previous model, the entire St. Francis building is removed from the site.

The final two graphics are additional perspectives of the building presented to the Plan Commission at the June 20 meeting. The applicant has provided these for comparison purposes.

The applicant has also provided the following link to see an animated "fly-over" of the proposed 12-story building in relationship to existing buildings. This can be viewed online at the following link: (The link may need to be entered or copied and pasted into the web browser to work.)

http://www.youtube.com/watch?v=qse9qDbrp6s&feature=youtube_gdata

Finally, staff note that additional objections to this proposal have been provided and are attached for consideration by the Plan Commission.

2. Consistency with the Comprehensive Plan

Staff has prepared two responses to comments submitted by Professor Brian Ohm regarding consistency with the Comprehensive Plan. Prof. Ohm's correspondence is attached and staff's responses are below.

A. Response to the June 20 Comments from Brian Ohm provided at Plan Commission Meeting

At the June 20th Plan Commission meeting, Prof. Brian Ohm submitted written comments suggesting that elements of the proposed St. Francis redevelopment on University Avenue were inconsistent with the City of Madison Comprehensive Plan, citing selected recommendations and narrative from the plan to support the argument. In response to Prof. Ohm's comments, Planning Division staff again reviewed the proposed St. Francis project against applicable recommendations in the Comprehensive Plan. While Prof. Ohm raises several interesting points, staff do not concur with his conclusion. We appreciate that this project is controversial, but staff do not find the proposal to be inconsistent with the recommendations in the Comprehensive Plan.

The following response follows the general sequence of Prof. Ohm's paper.

Summary of Land Use Issues - Downtown/Campus Area Planning

Plan Page # 2-9 Prof. Ohm cites the Comprehensive Plan's narrative listing of issues that need to be addressed in planning for the Downtown/Campus area, and in particular, whether housing suitable only for students and other groups of non-family singles should be the only type of housing provided in near-campus areas.

Response: Within the Downtown area in general, the Comprehensive Plan recommends the development of a range of housing choices for different household types, sizes, and incomes, including families and lower/middle income households [Obj. 79, Page 2-64]. However, the Plan also recommends that a large proportion of the housing for University students be located within walking distance of campus [Pol. 4, Page 2-65]. While it is recommended that a variety of housing choices be provided in the Downtown/Campus area, nothing in the Comprehensive Plan recommends against developing additional student-oriented housing projects as part of this mix; and, in fact, locations within walking distance of campus are recommended for student housing.

The Need for More Detailed Specific Area Plans

Plan Page # 2-22
2-31
2-73
2-75 Prof. Ohm cites several sections of the Comprehensive Plan which recommend that redevelopment, urban infill, and increased densities occur at locations identified in adopted City plans, including more-detailed neighborhood and special area plans, or through special planning studies for specific areas. He also cites several similar recommendations in the Comprehensive Plan to the effect that future changes in land uses or development intensity should be guided by the detailed recommendations in an adopted neighborhood or special area plan.

Response: These are important recommendations which recognize that the relatively broad land use recommendation in the Comprehensive Plan often may not provide detailed guidance at the scale of a specific development project. However, while a detailed neighborhood plan can provide refined recommendations that address the nuances and unique contextual relationships applicable to a specific redevelopment site, the Comprehensive Plan does not say that changes in land use or intensity cannot occur unless a detailed plan has been adopted. Particularly in the established parts of the city, many areas do not have a more detailed plan; and not all existing plans are necessarily current. In many neighborhoods, potential redevelopment locations that can be identified in advance may be very limited in any case, while opportunities sometimes appear that were not anticipated. Many higher-density redevelopment projects have been approved through zoning map amendments in the downtown/campus area since the Comprehensive Plan was adopted. The Plan does not recommend that redevelopment stop until a more detailed plan is prepared, although preparation of such a plan remains a recommendation. It should be remembered that the Comprehensive Plan is a 20-year plan, and not all of its recommendations will be implemented within the first several years.

In the case of the St. Francis proposal, it is also arguable whether a significant change in use is being proposed. The site is within the Campus district defined in the Comprehensive Plan, where relatively larger and more intensive University-related, institutional, and private developments are recommended and expected. The current zoning on the property is R6, the most intensive residential zoning district. Because the R6 district does not provide useful standards for intensive urban redevelopment projects in the Downtown/ Campus area, projects in this area have typically utilized Planned Unit Development zoning for several

decades---and the St. Francis proposal is no different from many others in that regard. Also, although the proposed residential development is clearly a larger and more intensive use than the existing St. Francis House and attached chapel, the proposed use is very similar to other existing uses on this and surrounding blocks. The new 14-story Grand Central apartment building is located in the same block on Johnson Street behind Luther Memorial Church, which is adjacent to the west. The four-story, 84 unit Porchlight residential facility is located immediately south of the site across Conklin Place, and most of the other surrounding uses are relatively large University-related developments. These include the five-story Grainger Hall across North Brooks Street and Lathrop Hall on the opposite side of University Avenue. The proposed project will front on University Avenue, a wide, high volume arterial street which generally provides an appropriate setting for relatively larger urban buildings.

On balance, the land use and scale of the proposed St. Francis development is not inconsistent with the Comprehensive Plan recommendations for this portion of the Campus district, and with other recent public and private developments that have been approved in the surrounding area. However, if there are valid questions regarding design details or how well the architecture and placement of the proposed buildings relate to other buildings sharing the block, these should be addressed.

Special Districts

Plan <u>Page #</u> 2-102	Under this heading, Prof. Ohm cites narrative and recommendations from the Comprehensive Plan related to the Special land use districts, including the recommendation that a more-detailed, fine-grained plan be prepared for the University of Wisconsin Campus area to help shape and guide future redevelopment in this very important area.
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Response: As noted above, although preparation of a more detailed plan is recommended, the Comprehensive Plan does not recommend that no redevelopment or zoning map amendments occur unless a such plan has been prepared. There currently is no City-adopted neighborhood or special area plan for most of the area designated as Campus in the Comprehensive Plan. However, City planning is broadly coordinated with University of Wisconsin campus planning, and in the case of University-related projects, the City and the University work together to address site-specific planning issues, as well as to seek long-term improvements in internal and external circulation and the interface between University uses and other land uses as redevelopment occurs. Nevertheless, the consistency requirement does not apply to University of Wisconsin plans and the fact that the University's plans have not identified this site for redevelopment is not a determining factor in the consideration of this proposal.

2-103 2-104 2-158	Prof. Ohm also cites several specific issues and objectives for campus area planning that are discussed in the Comprehensive Plan, including the location of land uses, identification of infill opportunities, multi-modal transportation, creation of an engaging interface between University and non-University uses and activities, and campus expansion and relationships with adjacent neighborhoods.
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Response: As noted in the Comprehensive Plan, the new Downtown Plan currently being prepared will review the recommendations for campus areas located south of University Avenue and east of Park Street and may make additional recommendations---particularly for enhancing the physical relationships and social synergies between the campus and surrounding districts and neighborhoods. Note, however, that It is unlikely that even a more detailed plan would be able to anticipate and make a detailed recommendation for the

potential redevelopment of a specific non-University property, such as the recent Grand Central project or the current proposed St. Francis project, that had not been previously identified as ripe for redevelopment. Nor is it likely that a more-detailed plan would seek to “lock-in” an existing use (such as a church) by recommending it as the only appropriate use at that location. This is an intensively developed, urban part of the city, and substantial redevelopment within broadly recommended use and scale parameters, can be expected at many locations over the coming years whether or not a site has been specifically identified as a potential redevelopment location in the Comprehensive Plan or in a neighborhood plan.

Historic Resources and Cultural Resources

Plan <u>Page #</u> 2-102	Prof. Ohm cites several objectives and policies in the Comprehensive Plan that address the importance of preserving and protecting historically and architecturally significant older buildings in the downtown area, including encouraging historically compatible alterations and complementary new construction. Also cited are goals, objectives and policies regarding the importance of retaining and enhancing public and community based institutions and facilities as centers of neighborhood activity and providers of employment, services and amenities.
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Response: There is little question that the St. Frances proposal would alter the visual character of the University Avenue frontage of this block by razing the existing chapel, moving the existing St. Francis House westward (adjacent to Luther Memorial Church) and wrapping it on two sides with a much taller new residential building unrelated to a religious use. However, at this time, none of the buildings on the block are designated Landmarks (although two might be eligible), and the general Comprehensive Plan recommendations regarding historic preservation and the importance of cultural institutions would not preclude additional redevelopment on the block. Based on the comments received on the proposal, there is obviously disagreement regarding the degree to which the project as currently proposed would have an unacceptable impact on Luther Memorial Church (or on the relocated St. Francis House for that matter) or affect Luther Memorial’s ability to continue to successfully carry out its mission. The Comprehensive Plan includes multiple recommendations calling for well thought out infill and redevelopment [Obj. 22, Page 2-22, for example]. Historic preservation objectives often involve finding a balance between the desire to support new development or new activities in an area, and the desire to preserve historic buildings and ensure that any new development is reasonably compatible.

B) Response to the July 7, 2011 Memo from Brian Ohm to the Madison Plan Commission

In a memorandum to the Plan Commission dated July 7, 2011, Prof. Brian Ohm reiterated his contention that the proposed St. Francis redevelopment on University Avenue is not consistent with the City of Madison Comprehensive Plan, providing additional argument and citations to support this conclusion. Planning Division staff appreciate Prof. Ohm’s points, but again respectively disagree with his conclusion. This response elaborates on the staff response to Prof. Ohm’s June 20 written comments.

Consistency Definition

Prof. Ohm emphasizes that the word “map” is not included in the consistency definition added to Wisconsin Statutes in 2010, and, therefore, that the Generalized Future Land Use Plan maps in the Comprehensive Plan cannot be used as a basis for determining the consistency of a project, but only the Plan’s goals, objectives and policies.

Response: While only consistency with the Comprehensive Plan's goals, objectives and policies is referenced in the Statute language, it is obvious that the maps are also essential elements of the Plan. Without the recommended land use maps, every proposed development could generate endless debate about which of the many, many recommendations in the Comprehensive Plan should be applied in that specific situation, and how the often competing, and sometimes conflicting, recommendations should be balanced. This is recognized in a "Perspectives on Planning" paper written by Prof. Ohm and published by the Department of Urban and Regional Planning-University of Wisconsin-Madison/Extension in May 2010. That paper discussed the 2010 updates to the comprehensive planning law, and the relevant section is excerpted below:

"While this definition only references the 'objectives, goals and policies' identified in the comprehensive plan, it is not intended to totally ignore other things included in the comprehensive plan map like specific programs and the future land use map....The future land use map is supposed to be a graphic representation of the objectives, goals and policies of the community. The future land use map and programs identified in the comprehensive plan can therefore be helpful in determining whether a proposed ordinance is consistent with a comprehensive plan."

Recommendations in the City of Madison Comprehensive Plan also make it clear that the Generalized Future Land Use Plan Map is an integral part of the Plan's recommendations:

Objective 10: Achieve an efficient, balanced urban growth pattern by guiding new development, infill and redevelopment projects to planned development areas throughout the City of Madison. [Page 2-16]

Policy 1: Adopt the Comprehensive Plan, detailed neighborhood development plans, neighborhood plans and other special area plans that identify future development locations and allocate future City growth to various areas of the City. [Page 2-16]

The Comprehensive Plan maps are also described in the narrative introduction to the Generalized Future Land Use Plan Maps section of the Plan:

"The Comprehensive Plan establishes goals, objectives, policies and implementation recommendations for land use and development in the City of Madison and its planned expansion areas. The Generalized Future Land Use Plan Map presented in this section of the Plan applies these goals, objectives, policies and implementation recommendations in a geographic context and recommends a pattern of future land uses and development intensities to guide the physical development of the City for the next 20 years." [Page 2-73]

This narrative continues on to note that the mapped land use recommendations presented in the Generalized Future Land Use Plan Maps are relatively broad and necessarily somewhat conceptual, and that additional, more-detailed planning may be recommended in many instances. However, the Generalized Future Land Use Plan Map provides the basic framework that establishes the general pattern of recommended future land use and development intensity within the community; and the broad designation of Campus on those maps, together with other Comprehensive Plan general recommendations and recommendations specific to the downtown/campus area, provides a useful guide to the types and intensities of development recommended. Staff do not agree that the Campus designation is irrelevant to determining the consistency of the proposed St. Francis project with the Comprehensive Plan.

Planning Decisions before and after January 1, 2010

Prof. Ohm notes that the Comprehensive Plan consistency requirement did not take effect until January 1, 2010, so that approval prior to that date of the Grand Central project (which Prof. Ohm also considers inconsistent with the Comprehensive Plan) does not set any precedent for the current St. Francis proposal.

Response: Staff do not agree that the approval of the Grand Central project was inconsistent with the Comprehensive Plan. The Planning Division staff report on Grand Central identified the issues that had been raised regarding that proposed project and concluded that in the absence of any more-detailed plan for the area, the project generally conformed to the land uses recommended for the area in the Comprehensive Plan. The staff report also described other large developments that had been approved in the downtown/campus area and concluded that the intensity of the proposed project was generally appropriate in light of other approvals and the existing development context. Staff consider it reasonable to consider the existing development context in the vicinity of a proposed rezoning map amendment, which includes recent Plan Commission and Common decisions regarding similar proposed developments, as one of the factors used in determining the appropriateness of a proposed project at that location.

Specific Questions To Be Answered:

1) Does the proposed development further or not contradict the policies contained in the Madison Comprehensive Plan that potential infill and urban redevelopment locations are identified in the Comprehensive Plan, neighborhood plans for established neighborhoods and through special planning studies of specific areas?

Response: As discussed in the response to Prof. Ohm's June 20 comments, staff do not believe that the Comprehensive Plan requires that no infill or urban redevelopment occur unless a detailed neighborhood plan, special area plan, or special planning study for the area has been prepared. The Comprehensive Plan recommends that more-detailed plans be prepared, particularly for areas where redevelopment is recommended or anticipated, and that redevelopment should be consistent with those adopted plans. But it was not expected that new or updated neighborhood plans covering all potential redevelopment sites throughout the city could or would be prepared in the near term (resources to do that are simply not available); nor that no redevelopment through zoning map amendments could occur until then. As Prof. Ohm has noted, there are multiple references to this more detailed planning throughout the Comprehensive Plan; but the objectives and policies regarding neighborhood plans are consistently phrased as something that "should" be done---that is, as something to work toward. This is subtly but meaningfully different from the Comprehensive Plan recommendations for urban fringe development, which do include a specific policy that the detailed plan be prepared before development may occur:

Objectives and Policies for Urban Fringe Development

Objective 13: Guide development on Madison's urban edge based on the recommendations of the City's Comprehensive Plan, the Peripheral Area Development Plan (PADP), City-adopted neighborhood development plans and other City plans.

Policy 2: Prepare detailed neighborhood development plans which include land use, infrastructure and development staging recommendations for identified future City of Madison growth areas prior to [emphasis added] consideration or approval of development proposals or the beginning of urban development. [Page 2-17]

This policy has been consistently applied, and the City does not request amendments to the Central Urban Service area, or accept or consider subdivision or rezoning applications for urban development in the peripheral area until a neighborhood development plan has been prepared and adopted. Given the practical constraints on preparing detailed plans for all established areas with any redevelopment potential, applying a similar requirement for prior detailed planning on the developed portions of the city would effectively halt redevelopment in many areas for an unspecified (but likely quite long) period of time until these plans could be prepared. That is why the Comprehensive Plan does not include the same strict requirement, but only the recommendation that more-detailed plans be prepared, and that where they exist, development be consistent with their recommendations.

As also noted in the response to Prof. Ohm's June 20 comments, even if detailed plans had been prepared, it is very unlikely that they would necessarily identify all individual properties where redevelopment might be appropriate and recommend a future use. Substantial redevelopment and increase in density is expected and recommended in the downtown/campus area, which is the most intensively developed part of the city, but it is not realistic to expect that the specific site of every potential development will have been identified in advance, whether or not a neighborhood plan has been prepared.

2) Luther Memorial has not been involved with the planning for redevelopment on the St. Francis House site. *Does the proposed development further or not contradict the policy contained in the Madison Comprehensive Plan that: changes in established neighborhoods should be carefully planned in collaboration with neighborhood residents, businesses, owners and institutions?*

Response: As noted in the staff report and in the response to Prof. Ohm's June 20 comments, Planning staff do not necessarily consider the St. Francis proposal a significant change to the neighborhood, although it obviously is a significant change in the use and scale of development on that particular property. However, older and more recent developments with similar uses and of a similar scale currently exist on this block and on surrounding blocks, and Luther Memorial is involved in consideration of the proposed St. Francis redevelopment specifically through their review and response to the rezoning application for the project. The Plan Commission and Common Council should carefully consider the comments from Luther Memorial and others in evaluating the proposed St. Francis project against the standards for approval.

3) Because of increased noise, congestion, etc., the proposed development will have a negative impact on the long-term viability of the congregation to attract members and cover the costs to maintain the facility. *Does the proposed development further or not contradict the objective contained in the Madison Comprehensive Plan that the city will retain and enhance public and community based institutions and facilities, such as churches, as important neighborhood centers and providers of employment, services and amenities?*

Response: The proposed St. Francis development will occur entirely on property they currently own, and whether or not the project will have the negative effects on noise, congestion, etc., or on the long-term viability of Luther Memorial at that location presumed by Prof. Ohm is something that the Plan Commission and Common Council may evaluate as part of reviewing the project against the standards for approval. It may be worth noting that Luther Memorial's sale of the Grand Central site for development of a large residential project was presumably made in part to help advance that institution's long-run viability and help cover the costs of its facilities. Similarly, St. Francis House is proposing the sale of a portion of their property partly to help support the long-run viability of its activities at its location.

4) Does the proposed development further or not contradict the goal contained in the Madison Comprehensive Plan to maintain and enhance downtown Madison and the predominant activity center and community gathering place for the city of Madison and the surrounding region, and a diverse, attractive, and unique place to live, work, learn, shop, dine and enjoy entertainment and cultural activities?

Response: This concern seems predicated on the premise that the proposed St. Francis project would be severely detrimental to the continued viability of Luther Memorial. This is an argument made by some opponents of the project, but nothing inherent in the St. Francis proposal necessarily would have this effect. As noted above, both the Grand Central project and the current proposal represent actions taken by campus area churches to help cover the costs of remaining at their current locations.

5) The proposed development is planned for student housing. Does the proposed development further or not contradict the policy contained in the Madison Comprehensive Plan the city will encourage development of housing that can meet the needs of many types of households and limit the development of housing that is suitable for only one type of resident?

Response: As covered in the response to Prof. Ohm's June 20 comments, Planning Division staff do not think that development of additional student housing near the campus contradicts the policy to encourage development of a diverse range of housing opportunities in the downtown/campus area as a whole. Student housing, like housing for the elderly and other specialized housing types, has a place in the overall housing mix, and this is a logical student housing location.

3. Additional Approval Standard Considerations

In discussing this proposal at the June 20 meeting, members of the Plan Commission specifically raised questions whether PUD Standards 1a and 1b and Demolition Standards 1b and 1d could be met. As noted in the original staff report, this project is subject to the demolition, zoning map amendment, and planned unit development standards.

PUD Standards 1a and 1b state:

Character and Intensity of Land Use. In a Planned Unit Development District, the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:

- a. Are compatible with the physical nature of the site or area
- b. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.

As noted in the original report, the proposed apartment building is similar in bulk and mass to other larger buildings in the surrounding area. A summary table follows and other discussion is included in the original staff report.

	Height	Floor Area Ratio (FAR)	Dwelling Units	Bedrooms
Proposed Building	12 Stories 1,013.5 feet *	6.2	92	255
"Grand Central"	14 Stories 1,022 feet *	6.6	162	358
UW Chemistry	14 Stories 1,012 feet*	4.31	--	--
UW Educational Services	11 Stories 1,028 feet*	3.0	--	--
UW Grainger Hall	5 Stories 971 feet*	4.4	--	--

*These height measurements provided in the applicant's exhibits

In the original staff report, the Plan Commission was asked to give careful consideration of PUD standard 1. Staff previously concluded the PUD standards could likely be met. Given the development that has already occurred in this area of the City that is of a similar scale as the building proposed, staff does not believe that the density, bulk, and mass is inappropriate for the location. Staff acknowledge the concerns that have been expressed about the shadow impacts though believe the proposed building will not loom over the Luther Memorial Church sanctuary and that this physical separation is adequate for an urban location.

Demolition Standards 1b and 1d state:

- 1b. The Plan Commission finds that both the requested demolition or removal and the proposed use are compatible with the purpose of this section and the intent and purpose expressed in the Zoning Code for the zoning district in which the property is located. Furthermore, the proposed use should be consistent with adopted neighborhood plans, the Comprehensive Plan or with any applicable neighborhood conservation district requirements. When making this finding the Commission shall consider and may give decisive weight to any relevant facts including but not limited to the effects the proposed demolition or removal and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties, the reasonableness of efforts to relocate the building, including but not limited to the costs of relocation, the structural soundness of the building, and the limits that the location of the building would place on efforts to relocate it, and the availability of affordable housing.
- 1d. The Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.

At the June 20 public hearing, representatives from St. Francis House indicated the portion of the building proposed for demolition was structurally sound and did not suffer from significant maintenance issues. This is consistent with the materials previously submitted by the applicant regarding the

demolition. While many buildings proposed for demolition do have significant structural deficiencies, the ordinance does not require that such a finding be made to grant a demolition permit.

Section 1b requires two findings: that the proposal is compatible with the purpose and intent of the “Demolition and Removal” section and is compatible with the purpose and intent of the zoning district. There is obviously some subjectivity in both standards, to which the Plan Commission will need to give careful consideration. As noted in the original report, staff believes it is possible a finding is made that both standards are met.

The Statement of Purpose for the “Demolition and Removal” section lists several intents including plan consistency, protection of neighborhood character, preservation of historic buildings, and the reuse or relocation of existing buildings. As discussed in the previous section, staff believes the proposal to be generally consistent with the recommendation for “campus” uses in the Comprehensive Plan. While the proposal will result in the addition of another larger building in the subject block, staff does not believe the proposed building would be inconsistent with the character of the surrounding neighborhood. Regarding the preservation of historic buildings, staff supports the option to relocate the original St. Francis House, which is preferable to an outright demolition of the entire building.

Regarding the finding that the proposal is compatible with the purpose and intent of the zoning district, staff note that this request is proposed in conjunction with a PUD zoning map amendment. Similar PUDs for high-density residential and mixed-use projects have been approved throughout the Downtown and Campus area. Additionally, staff believe the project to be compatible with the stated intent of the existing R6 District that is intended to “stabilize and protect the essential characteristics of certain of the highest density residential areas.” The existing zoning district purpose statement also encourages a “suitable environment for student housing facilities.”

Regarding standard 1d, staff note that the report of the Landmarks Commission and Preservation Planner were included in the previous packet and discussed in the original staff report. Other information about the history of the building is included in the previously provided report from Jason Tish of the Madison Trust for Historical Preservation.

4. Conclusion

The Plan Commission referred this item for the applicant to determine whether the proposed building could be adjusted to eliminate the shading impact on the stained glass windows during morning hours, all days of the year.

In response, the applicant has first provided a variety of graphics that depict the existing shadows impacting both the eastern and western sanctuary windows. These graphics do not reflect the proposed building, but rather the estimated shadows cast from existing structures. This information shows that surrounding buildings and Luther Memorial Church itself cast some shadows on the sanctuary windows at different times of the day.

In specifically considering morning hours, the applicant’s graphics show that UW’s Grainger Hall casts some shadows until approximately 8:00 am on portions of the eastern sanctuary windows. A projecting wing of the church sanctuary provides some partial shading of these same windows during mid-morning hours. Based on the shadow studies commissioned by Luther Memorial Church, the proposed 12-story building would shade these windows up until about 8:30 to 9:00 am, most days of the year. During portions of the spring and fall, the proposed building would cast some shadows up until 9:30 and 10:00 am. Based on the this information, staff estimate the proposed building would add between one

and one-and-one half hours of additional daily shading on the sanctuary windows, depending on the time of year, assuming however that the sun is shining and not obscured by cloud cover.

Secondly, the applicant has provided two general massing studies showing conceptual buildings that would cast no additional shadows on the sanctuary windows. The applicant's models suggest these structures could be no taller than four stories to not further shade these windows. Staff understands that these models have been prepared for discussion purposes and are not being proposed as alternatives to the current 12-story building. Information from the applicant indicates that neither model is financially feasible due to the limited number of dwelling units. The applicant is not proposing alternative plans at this time.

In making their motion to refer, the Plan Commission requested further evaluation of the shadow impacts, which the applicant has provided. The PUD standards require the Plan Commission to make a finding that the proposed use, appearance, and intensity are compatible with the physical nature of the site or area. Staff is not aware of an instance when shadow impacts were the sole determining factor in making such a finding regarding the applicable approval standards. Staff do not believe it is reasonable or feasible to require all new buildings in the Downtown and Campus area to have no shadowing impact on existing structures or existing churches. Staff believe that to be problematic from a precedent-setting standpoint. While staff understands the Commission's request to eliminate shading on a portion of the building to be somewhat more nuanced, staff still does not believe that the anticipated shadowing alone should be used to find the applicable standards are not met. As noted in the original staff report, the tallest portion of the building is roughly 140 feet from the eastern sanctuary windows and staff previously concluded that such a separation is an adequate for an urban location.

Please see the original staff report for additional information.