



## Report to the Plan Commission

September 19, 2011

**Legistar I.D. #23870**

**434 S Thornton Ave, 1526 Jenifer St & 433 Cantwell Ct**

**Zoning Map Amendment – Planned Unit Development**

Report Prepared By:

Kevin Firchow, AICP

Planning Division

**Requested Action:** The applicant requests approval to rezone 434 South Thornton Avenue, 1526 Jenifer Street, and 433 Cantwell Court, from R4 (General Residence District) to PUD-SIP (Planned Unit Development-General Development-Specific Implementation Plan District) to allow the rehabilitation of three existing apartment buildings.

**Applicable Regulations & Standards:** This project is subject to the standards for zoning map amendments and planned unit developments. Section 28.12 (9) provides the process for zoning map amendments. Section 28.07 (6) provides the requirements and framework for planned unit developments.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for zoning map amendments and planned unit developments are met and forward Zoning Map Amendment 3554, rezoning 434 South Thornton Avenue, 1526 Jenifer Street, and 433 Cantwell Court, from R4 (General Residence District) to PUD-SIP (Planned Unit Development-General Development-Specific Implementation Plan District) to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Background Information**

**Applicant:** Common Wealth Development, Inc; 1501 Williamson Street; Madison, WI 53703

**Agent / Contact:** Jim Glueck; Glueck Architects; 116 North Few Street; Madison, WI 53703

**Owner:** Home Savings, 2 South Carroll Street

**Proposal:** The applicant proposes to rehabilitate three vacant residential buildings and create 12 total apartments. Due to many previously existing bulk non-conformities, the applicant has requested rezoning the project into the Planned Unit Development District. No setback changes would occur as part of the proposed renovations. Please note, this request does not include the approval to relocate any structures or construct a new building as previously proposed for this site. Those requests were included in a previous PUD application that was "Placed on File" by the Common Council in 2009.

**Parcel Locations:** This three lot site is approximately 11,066 square feet in area, bounded by Thornton Avenue, Jenifer Street, and Cantwell Court. These properties located in Aldermanic District 6 and within the boundaries of the Madison Metropolitan School District.

**Existing Conditions:** The three buildings along Jenifer Street are two-story structures with large shed gables above the second floor, each previously approved to have four dwelling units apiece. A previous owner received variance and other approvals to modify these structures. While these alterations were started, they were never completed. The buildings are not occupied and numerous improvements are required by the new applicant in order to bring them into a habitable state.

**Surrounding Land Use and Zoning:** The subject site is surrounded by O’Keefe Middle School (zoned R4A- Limited General Residence District) on the south; the Yahara River on the east; single-family residences (zoned R4-General Residence District) on the north; and multi-family dwelling units (zoned R4-General Residence District) on the west.

**Adopted Land Use Plan:** The Comprehensive Plan and the Marquette-Schenk-Atwood Neighborhood Plan recommend medium density residential uses for these sites.

**Environmental Corridor Status:** The subject sites are not located in a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services.

**Zoning Summary:** These properties are proposed to be rezoned to the “PUD” district.” As there are no predetermined bulk requirements. A summary zoning table was not provided with the comments from City Zoning.

## **Project Review, Analysis, and Conclusion**

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The applicant requests approval to rezone the subject properties from R4 (General Residence District) to PUD-GDP-SIP (Planned Unit Development-General Development-Specific Implementation Plan District). The purpose of this zoning change is to allow the applicant to renovate the three existing buildings and create 12 total apartment units. This request is subject to the Zoning Map Amendment and Planned Unit Development approval standards.

Common Wealth Development is the applicant and has an option to purchase the three subject properties. This request is not related to previous rezoning requests that sought to relocate an adjacent two-flat building and construct a new 4-unit structure. That request, made by a previous owner, also included connecting the subject buildings to new underground parking. That application was placed on file by the Common Council in 2009. This request is only to renovate the three existing buildings.

The three subject buildings sit opposite the Marquette Elementary School and O’Keefe Middle School campus. The Yahara River is across Thornton Avenue from this site. Low-density single-family residential is to the north along Cantwell Court with a similar apartment building directly opposite this building to the west.

The three existing buildings have been in various states of disrepair since the previously approved renovations stalled. Prior to the aforementioned PUD rezoning request, the prior owner also received variance and conditional use approvals for interior and exterior changes to the three subject buildings. These approvals allowed four dwelling units per building. The renovations included in this application are consistent with those previous approvals and the bulk of these buildings would not change from what is on the ground today. However, the Zoning Administrator indicates that due to long periods of construction inactivity these approvals have expired. As an alternative to seeking new variance and conditional use approvals, this approval would provide conforming zoning for the subject sites.

The three buildings are similar in appearance. Each structure is two-plus stories in height and includes dormers above the second story. (The larger shed dormers were part of the previous variance approval). Each building will continue to be clad in a combination of wider eight-inch siding on the first floor with narrower four-inch siding above. The applicant has clarified he wishes to replaced the

damaged wood siding with vinyl siding. The Urban Design Commission recommended approval of the project along with the vinyl siding at its September 7th meeting.

The number of bedrooms varies for each as structure as follows:

	1-Bedroom Units	2-Bedroom Units	3-Bedroom Units	Total Bedrooms
434 S. Thornton Ave.	2	2		6
1526 Jenifer St.		2	2	10
433 Cantwell Ct.	2		2	8
Total Bedrooms	4	8	12	24

The interior configurations of the buildings are also somewhat varied. The building at 434 South Thornton includes living spaces on the first and second floors along with the loft level above the second floor. The middle building at 1526 Jenifer Street includes living area in the basement, first floor, second floor, and loft area. The 433 Cantwell Court building includes living spaces in the basement, first, and second floors.

The site plan includes a new five-foot wide sidewalk on the north side of the properties, extending from Cantwell Court to South Thornton Avenue. There will be two new four-foot wide sidewalks between the buildings leading to shared entry patios. There are twelve bike parking stalls located adjacent to Cantwell Court and a loading zoning with trash and recycling containers on South Thornton Avenue. A four-foot fence screens the northern and western sides of this area. There are 12 bicycle parking stalls, though no on-site automobile parking is proposed.

The landscape plan consists primarily of smaller foundation plantings surrounding the buildings. These include fountain grasses, hostas, coral bells, and other perennials. Somewhat larger plantings including yews, boxwoods, dogwoods, and spirea add some additional height around the three buildings' perimeters. The largest new plantings are two Juneberry trees planted in the larger Thornton Avenue-fronting yard. The balance of the site will include lawn.

The applicant has included a zoning text, as required for all Planned Unit Developments. In reviewing the proposed text, planning staff recommend the following revisions:

- Under "Permitted Uses", the applicant lists the permitted uses as those in the current R5 zoning district. Staff notes that is more intensive zoning district than the existing R4 and permits several uses that may cause future land use conflicts. The other listed uses, including "multi-family dwelling" would be sufficient to permit the project as proposed. Staff recommends eliminating the reference to permitting R5 uses.
- Under "Building Height", staff recommend that the text be revised to state that the building height shall be consistent with approved plans.
- Under "Family Definition", staff recommend that the applicant specify that the family definition for the R4 District applies. That would be consistent with the use as proposed.

The Comprehensive Plan and the Marquette-Schenk Atwood Neighborhood Plan recommend medium density residential uses for these properties. That recommendation includes a general density range of 16 to 40 du/ac (dwelling units per acre). With (12) units proposed on roughly a quarter-acre site, this proposal has a calculated density of approximately 47 du/ac. This is only slightly higher than the general recommended density range and considering previous approvals already allowed 12 units on this site, staff does not believe the proposed density to be problematic.

In conclusion, staff support this request that allows the applicant to finish the previously stalled renovations at this site. These buildings have been vacant and in various states of disrepair for several years. While it is somewhat unusual to pursue a planned unit development for a project such as this, this rezoning provides conforming zoning and eliminates the need for the applicant to re-obtain variance and conditional use approvals. Staff believes the project meets the applicable standards and supports this rezoning, subject to the recommended conditions. At the time of report writing, staff was not aware of any neighborhood concerns regarding this proposal.

## **Recommendations and Proposed Conditions of Approval**

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Major/Non-Standard Conditions are Shaded

### **Planning Division Recommendation** (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the standards for zoning map amendments and planned unit developments are met and forward Zoning Map Amendment 3554, rezoning 434 South Thornton Avenue, 1526 Jenifer Street, and 433 Cantwell Court, from R4 (General Residence District) to PUD-SIP (Planned Unit Development-General Development-Specific Implementation Plan District) to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

1. That the zoning text be revised as follows:
  - a. That the "Permitted Uses" section be revised to eliminate "B.1) – Permitting uses as provided in R5 District."
  - b. That the "Building Height" section be revised to state Building Height shall be as shown on approved plans.
  - c. That the "Family Definition" section be revised to specify that the family definition shall be consistent with the R4 district.

***The following conditions have been submitted by reviewing agencies:***

### **City Engineering Division** (Contact Janet Dailey, 261-9688)

2. The property at 433 Cantwell Ct. is included within a condominium plat and condominium declaration. This shall be appropriately removed/terminated from the condominium prior to final approval of plans and issuance of building permits.
3. Submit a PDF of each floor plan to Engineering Mapping Lori Zenchenko (Lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during or after construction) the addresses may

need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.

4. Provide additional detail of resultant 1st floor layout for the building currently addressed as 434 S. Thornton Avenue. The redevelopment plan appears to require this building address be changed to a Jenifer Street address.

5. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)

6. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)

7. All damage to the pavement on Thorton, Jenifer, Cantwell, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link:  
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)

**Traffic Engineering Division** (Contact Bryan Walker, 267-8754)

8. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.

9. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Fire Department** (Contact Bill Sullivan, 261-9658)

10. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

11. Revise the zoning text under the family definition to reference the R4 district.

**Water Utility** (Contact Dennis Cawley, 261-9243)

12. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. This property is not in a Wellhead Protection District. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.

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**Parks Division** (Contact Kay Rutledge, 266-4714)

13. There are no additional park fees due at this time.

14. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit a response to these requests.