



## Report to the Plan Commission

March 19, 2012

**Legistar I.D. #25178**

**117-129 State Street &**

**120-124 W. Mifflin Street**

**Demolition Permit & Conditional Use**

Report Prepared By:

Timothy M. Parks, Planner

& Other Dept. of Planning and

Community & Economic

Development Staff

**Requested Action:** Approval of a demolition permit to allow 3 buildings on State Street and 2 buildings on W. Mifflin Street to be demolished, and a conditional use for new construction of a building or addition to an existing building, or major alteration to the exterior face of a building in the C4 Central Commercial District to allow construction of a new retail/ office building and restoration of a sixth State Street building, which will remain.

**Applicable Regulations & Standards:** Section 28.09(5)(d) identifies any new construction of a building or addition to an existing building, or major alteration to the exterior face of a building as a conditional use in the C4 Central Commercial District. Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses. Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits.

**Summary Recommendation:** The proposed redevelopment requires approvals and recommendations from the Landmarks Commission and Urban Design Commission before the Plan Commission can take action on the proposed demolition permit and conditional use application. While both commissions have held extensive hearings on the project to date, they have not completed their reviews to the point where the Plan Commission can take action on these requests. A more detailed review of the Landmarks and Urban Design actions on the project is included within the body of this report, and minutes of those meetings are attached.

Therefore, following a public hearing and discussion about the project, the Plan Commission should recess the public hearing and **refer** the subject demolition permit and conditional use to a future meeting until the Landmarks Commission and Urban Design Commission have acted on the proposed redevelopment. Staff recommends that Plan Commission members provide specific comments to the development team about the form of the project. In particular, the Commission should comment on the open space/ garden at the corner of N. Fairchild and W. Mifflin streets, which the applicants have stated is a non-negotiable element of the project.

### Background Information

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**Applicant:** Block 100 Foundation, Inc.; 6120 University Avenue; Middleton

**Property Owners:** 117 State Street, LLC; PO Box 2077; Madison, owner of 117-119 State Street, and Central Focus LLC; PO Box 2077; 14 W. Mifflin Street; Madison, owner of the other properties included within the development site.

**Agent:** George Austin, AVA Civic Enterprises; 2316 Chamberlain Avenue; Madison.

**Proposal:** The Block 100 Foundation proposes to demolish and rebuild the State Street facades of 3 existing buildings at 117-119, 121-123 and 127-129 State Street, retain and renovate an existing building at 125 State, and demolish 2 buildings at 120 and 122-124 W. Mifflin Street as part of the construction of a new retail/ office complex on the site, which will include a garden at the northeasterly

corner of N. Fairchild and W. Mifflin streets. Construction of the redevelopment project is scheduled to commence in the second quarter of 2012, with completion scheduled in fall 2013.

**Parcel Location:** A 0.31-acre parcel located on the 100-blocks of State Street, N. Fairchild Street and W. Mifflin Street; Aldermanic District 4 (Verveer); Madison Metropolitan School District.

**Existing Zoning & Conditions:** The entire site is zoned C4 (Central Commercial District). Beginning at the corner of State and N. Fairchild streets, the subject site is developed with the three-story Vallender Building at 127-129 State Street, the two-story local landmark Castle & Doyle Building at 125 State, the three-story C. E. Buell Building at 121-123 State, the four-story Haswell Furniture Building at 117-119 State, the two-story local landmark Schubert Building at 120 W. Mifflin Street, and the two-story Fairchild/ Stark Building located at 122-124 W. Mifflin. The N. Fairchild Street side of the site is comprised of the sides of the Fairchild/ Stark and Vallender buildings and the rears of the Castle & Doyle, Buell and Haswell buildings.

**Surrounding Land Use and Zoning:**

North: Mixed-use buildings containing retail, restaurant and service uses on the first floor, zoned C4 (Central Commercial District);

South: Multi-tenant commercial building (Silver Dollar Tavern), Wisconsin Historical Museum, zoned C4;

West: Overture Center for the Arts, Madison Central Library, zoned C2 (General Commercial District) and C4;

East: Mixed-use buildings located between the subject site and Capitol Square containing retail, restaurant and service uses on the first floor, zoned C4.

**Adopted Land Use Plan:** The Comprehensive Plan includes the subject site as well as the Overture Center and Central Library to the west and commercial and institutional buildings located immediately to the south across W. Mifflin Street in the "State Street District" Downtown Mixed-Use Sub-District, which recommends a mix of government and institutional uses, cultural and arts facilities, higher-density housing, and office, service, dining, and entertainment, uses in two- to four-story buildings.

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

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

**Zoning Summary:** Existing C4 (Central Commercial District) zoning:

Requirements	Required	Proposed
Lot Area	N/A	13,503 sq. ft.
Lot Width	50'	Adequate existing
Front Yard	0'	0'
Side Yards	0' for non-residential buildings	0'
Rear Yard	0'	0'
Floor Area Ratio	N/A	Approx 2.33
Building Height	Min. 2 stories, max. 4 stories	4 stories
No. Parking Stalls	0 (Central Area)	0

Requirements	Required	Proposed
Accessible Stalls	0	0
Loading	N/A	0 (will use ex. on-street loading)
No. Bike Parking Stalls	2 per zoning lot (12 for 6 ex. lots)	0

Other Critical Zoning Items	
Yes:	Landmarks, Urban Design, Utility Easements, Barrier Free
No:	Floodplain, Wellhead Protection
<i>Prepared by: Tim Parks, Planning Division</i>	

## Project Review

The applicant, the Block 100 Foundation, Inc., is requesting approval of demolition and conditional use permits to implement a significant redevelopment project for the western half of the 100-blocks of State Street and W. Mifflin Street and the east side of the 100-block of N. Fairchild Street. The 0.31-acre site is zoned C4 (Central Commercial District) and is comprised of 6 buildings, including 2 designated local landmarks. The redevelopment proposal calls for the demolition of 5 of the 6 existing buildings to accommodate construction of a new retail/ office building. The sixth building will be renovated and incorporated into the new building complex. A more detailed description of the existing conditions and proposed development follows.

In addition to the demolition permit and conditional use approvals by the Plan Commission, the project will require actions by the Landmarks Commission and Urban Design Commission. Because one of the five buildings to be demolished is a designated City landmark, the Landmarks Commission is required to grant approval of a Certificate of Appropriateness for its demolition. The Landmarks Commission is also required to grant a Certificate of Appropriateness for the exterior alterations to the landmark building that will remain and make a recommendation to the Urban Design and Plan commissions on whether the proposed development will have an adverse impact on the two landmark sites. Section 28.09(5)(b)4 of the Zoning Code requires the Urban Design Commission to approve any new construction or an addition or exterior alteration to an existing building in the C4 zoning district.

### Existing Conditions

Beginning clockwise at the corner of State and N. Fairchild streets, the subject site is developed as follows:

- The three-story flatiron building at 127-129 State Street historically known as the Vallender Building, which occupies an 820 square-foot parcel and includes two retail spaces facing State Street on the first floor and one apartment located on the second and third floors. One of the retail spaces currently houses Vic's Corn Popper, while the one closest to the corner is currently vacant. The building was constructed in 1857 according to City records and in 1867 according to the applicant.
- The two-story Castle & Doyle Building at 125 State Street, which houses Shangri-La Collections on the first floor and an apartment on the second floor. The building was constructed in 1856 as Fire Station #2 and was redesigned in 1921 by renowned architects Claude & Starck for the Castle & Doyle Fuel Company, at which time it was given its distinctive terra cotta exterior along

the State Street facade. The building was designated a City landmark in 2006. It is the building the applicants propose to retain as part of the redevelopment proposed.

- The three-story C.E. Buell Building at 121-123 State Street was constructed in 1910 according to City records. The building occupies a 2,691 square-foot parcel that backs onto N. Fairchild Street. The building includes 2,476 square feet of first floor commercial space currently occupied by Eye Contact and four apartments on the second and third floors.
- The easternmost State Street building included in the project is the four-story Haswell Furniture Building at 117-119 State (also referred to as the Leath Building), which occupies a 4,500 square-foot parcel. The building is currently vacant and previously housed Frida Mexican Grill on the first and second floors, a nightclub on the third floor, and offices on the fourth floor. The building was constructed in 1916 and was substantially remodeled in 1997.
- The vacant two-story Andrew Schubert Building located at 120 W. Mifflin Street, which occupies a 1,443 square-foot parcel and was constructed in 1908 according to City records. The Queen Anne-style building historically has housed tavern and retail uses on the first floor, with an apartment on the second floor. The building was designated a City landmark in 2008.
- Lastly, the two-story Fairchild Building located at 122-124 W. Mifflin Street, which is also referred to as the Stark Building. The building was constructed in 1927 according to the City Assessor and occupies a 2,923 square-foot parcel. Office spaces occupy both floors and are currently vacant, most recently housing Community Treatment Associates.

The application materials include very detailed information on the condition of each of the six buildings, including architectural and structural assessments, and photos of the interior and exterior of each building. In addition, the applicants hosted nine publicly noticed tours of the buildings for the Urban Design, Landmarks, and Plan commissions on January 23-25, 2012.

The State Street side of the subject site is located within a series of mixed-use buildings of varying heights and styles located on the north side of the 100-block of State. Similar mixed-use buildings occupy the remainder of the block between the subject site and the Capitol Square, including Ian's Pizza, Shoo, and the Capital Tap Haus. The N. Fairchild Street side of the site is comprised of the side walls of the Fairchild/ Stark and Vallender buildings and the rear walls of the Castle & Doyle, Buell and Haswell buildings, and sits opposite the prominent glass curtain wall of the Overture Center for the Arts. The southeasterly edge of the site is primarily located across W. Mifflin Street from a one-story "taxpayer"-style multi-tenant retail building, which is mostly vacant except for the Silver Dollar Tavern. The State Historical Museum is located just to the east on the Capitol Square.

### Redevelopment Proposal

The redevelopment proposal calls for the demolition of the Vallender, Buell, Haswell, Schubert and Fairchild/ Stark buildings to accommodate construction of the new retail/ office building. The new building will be a two- to four-story structure, with the majority of the proposed building mass to be located on the State Street side of the site. A narrow, curved two-story wing is proposed to extend southeast towards W. Mifflin Street from the primary building mass. The new building will stand four stories in height between the eastern wall of the Castle & Doyle Building and the eastern edge of the subject property (the eastern wall of the Haswell Building), with the exception of the fourth floor above the Buell Building, which will be stepped back from State Street above the third floor. The four-story

mass will include a basement level that will house tenant storage spaces and mechanical equipment to serve the complex.

The applicants propose to renovate the interior and exterior of the Castle & Doyle Building, which will include a retail space on the first floor. Along the rear façade of Castle & Doyle, the plans include the addition of an entry into a secondary access core for the new complex from N. Fairchild Street. West of the Castle & Doyle Building, the applicants propose to raze the three-story Vallender Building and construct a new two-story brick-clad flatiron building at the State-N. Fairchild corner that is intended to reflect the historic character of the original building. The new two-story building will be built on a slab and will feature a retail space facing State Street, with windows also proposed to face N. Fairchild Street. The second floor of the Castle & Doyle Building and Vallender Building replacement structure will be connected to the rest of the complex at the second floor, which is intended as office space for multiple tenants. The second floor office space is proposed to continue across the State Street side of the entire complex as well as through the curved building wing that will extend towards W. Mifflin Street.

Moving east, the applicants propose to preserve the State Street façade of Buell Building, though the structure behind that façade will be demolished. The first floor of the new structure will house a third retail space that will face State Street in the approximate location of the Eye Contact space in the existing Buell Building. The Haswell Building will be razed and reconstructed with a new State Street facade “designed to be a reflection of the historic character of the original building”. The first floor of the Haswell Building replacement will include a restaurant space that will extend from State Street through the site to W. Mifflin Street. The remainder of the first floor of the new four-story building mass will include a large kitchen space at the rear of the third retail space for use by the proposed restaurant, an entrance from State Street for the office spaces to be located on the second through fourth floors of the complex, the building’s elevator, and a trash room for the complex, which will be accessed from the N. Fairchild Street façade.

The two-story curved wing that will extend south towards W. Mifflin Street from the main four-story mass of the new complex will border a tiered garden that will be located at the northeasterly corner of N. Fairchild and W. Mifflin streets where the Fairchild/ Stark Building currently sits. The garden will include a ramp from W. Mifflin up to an outdoor dining terrace for the restaurant space, with steps proposed to provide access from the N. Fairchild sidewalk. The remainder of the garden will feature a variety of shrubs and birch and honeylocust trees to be planted in tiered beds that will parallel N. Fairchild Street. The proposed green space will be owned, maintained and operated by the applicants and is not intended to be a public open space.

While the applicants propose to retain or recreate the building facades along State Street, the architecture of the southerly facades of the building will be distinctly modern. Beginning at the southeastern corner of the restored Castle & Doyle Building, the rear walls of the building complex including the two-story curved wing overlooking the proposed garden space, will be clad in natural limestone and will include a significant amount of vision glass, including long curtain walls on the first and second floors surrounding the garden space. The letter of intent for the project emphasizes that the project sponsors purposely designed the rear facades of the building complex to not be a continuation of the historical State Street aesthetic.

The proposed redevelopment project will include 31,512 square feet of gross floor area (37,779 square feet when the partial basement is included), including 9,402 square feet of first floor retail and restaurant space, and 22,110 square feet of office space on the second, third, and fourth floors, which results in a floor area ratio (FAR) of approximately 2.33 for the project. The redevelopment proposal results in an overall reduction of square footage on the properties of 11,771 square feet from the

49,550 square feet (including basement square footage) present today. The applicants are not proposing any automobile parking to serve the project, and none is required because the site is located within the Central Area and C4 zoning district, where off-street parking requirements do not apply. An existing 30-minute loading zone located on the east side of N. Fairchild Street south of State Street is proposed to remain to provide loading for the new development.

## **Analysis & Evaluation**

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The applicants are proposing a significant investment on one of the City's most important blocks, which if approved, would dramatically transform half of that block through the introduction of a modern retail/office building that attempts to maintain the architectural history of its State Street frontage through the reuse or re-creation of four historic building facades. The redevelopment proposal would also transform the appearance of the 100-block of N. Fairchild Street across from the Overture Center for the Arts and the Central Library.

The applicants state in the letter of intent that new development "provides for, and embraces an important civic node that has emerged at the intersection of West Mifflin and North Fairchild Streets" while "preserv[ing] the scale and architectural context of State Street" and "energizing North Fairchild Street with vibrant new retail, restaurant and office spaces." The proposal states that the proposed development will be more economically productive and energy efficient than the existing buildings and bring more activity to State Street-area stores and restaurants, while the garden proposed at the northeasterly corner of N. Fairchild and W. Mifflin streets will be an important addition to the urban fabric within the context of the civic buildings that exist or are being contemplated for that intersection.

### Standards for Approval

In order for the demolition of the buildings located at 117-119, 121-123 and 127-129 State Street and 120 and 122-124 W. Mifflin Street to be approved, the Plan Commission is required to find that both the requested demolitions and the proposed use are compatible with the purpose of Section 28.12(12) of the Zoning Code and the intent and purpose for the zoning district in which the property is located. The proposed use of the property following the demolitions should also be consistent with the Comprehensive Plan and any adopted neighborhood plans. When making its decision, the Commission may consider and give decisive weight to any relevant facts including but not limited to the effects the demolition and proposed use of the subject property following demolition would have on the normal and orderly development and improvement of surrounding properties, the reasonableness of efforts to relocate the building(s), including the costs of relocation, the structural soundness of the building(s), and the limits that the location of the building would place on efforts to relocate it.

In this case, because a locally designated landmark is one of the five buildings proposed for demolition, consideration and approval of this demolition request by the Plan Commission shall be contingent upon the prior issuance of a Certificate of Appropriateness by the Landmarks Commission pursuant to Section 33.19(5)(c) of the Landmarks Commission Ordinance. The Plan Commission is also required to consider the report of the City's historic preservation planner regarding the historic value of a property and any report submitted by the Landmarks Commission on any building proposed for demolition. Finally, Section 28.04(3)(n) of the Zoning Code requires that the Landmarks Commission make an advisory recommendation to the Urban Design Commission and Plan Commission for any proposed development adjacent to a designated landmark, specifically "...to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site."

A copy of the preservation planner's staff report to the Landmarks Commission regarding the project has been provided for consideration as part of its materials accompanying this application. The minutes of the January 30 and February 27, 2012 Landmarks Commission meetings where the project was discussed at considerable length are also attached.

Similarly, the Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.12(11)(g) are met. The full standards for demolition permits and conditional uses have been provided to the Commission for members to consult, and a copy will be provided at their seats during the public hearing.

### Project Evaluation

The Department of Planning and Community & Economic Development has carefully reviewed the redevelopment project and considered the testimony and discussion held at the Landmarks and Urban Design commissions. While the Department supports some individual aspects of the project and some of the applicants' goals, it is concerned that, taken as a whole, the demolition and conditional use requests as presented cannot meet the applicable standards for approval of demolition permits and conditional uses in the Zoning Code.

The demolition standards recommend a proposed reuse of a property following demolition be compatible with the statement of purpose of the zoning district of the subject property, or the C4 Central Commercial District in this case. In addition, the conditional use standards (#9) requires the Plan Commission to "bear in mind the statement of purpose for the zoning district" when reviewing any new construction of a building or an addition to an existing building to ensure that a project "...does not defeat the purposes and objectives of the zoning district."

Section 28.09(5)(a) of the Zoning Code states that the C4 Central Commercial District was established to "...accommodate those uses which are of City-wide, regional or state significance. Within this district, which is located in close proximity to the State Capitol Building and State Street, and which is readily accessible by public transportation from all parts of the City, are permitted the retail, service and office uses characteristic of a central business district. In addition to commercial activities, residential use above the ground floor is permitted and encouraged. No accessory off-street parking is required in this district, and any off-street parking which is provided is controlled as to the location, type and size of such facility so as to reduce congestion on streets within or leading to this district. All new buildings and any major alteration of an exterior building face must be approved by the Plan Commission because of the community's objective to maintain the aesthetic qualities of the district." The general regulations for the C4 district require that any new construction of a building, addition to an existing building or major alteration of the exterior face of a building are required to conform to the Urban Design Guidelines for Downtown Madison published by the Urban Design Commission, and such new construction, addition, or major alteration shall be permitted only after Urban Design Commission review and approval. [A copy of this document is attached to the legislative file for this project.]

While Planning staff understands and generally supports the goals of the development to increase the economic productivity and energy efficiency of the redeveloped properties, increase the amount of activity and improve the appearance of the east side of N. Fairchild Street, and the desire to incorporate meaningful open space as part of the development, the Department does not believe that the project, as presented, represents the most appropriate approach to achieving these goals, and does not adhere to the aesthetic qualities of the C4 district as stated in the statement of purpose for that zoning district and as required by the demolition standards.

According to the Urban Design Guidelines for Downtown Madison:

*“While new buildings and major additions should possess their own character, design solutions that are obtrusive and present extreme contrasts with adjacent structures should be avoided. By respecting the proportion of window openings and doors of existing buildings, new structures and major additions will possess an appearance of “belonging” rather than “intruding.” (page 5)*

Planning staff does not believe that the proposed development pattern reflects the desired approach to urban development as articulated in the Urban Design Guidelines for Downtown Madison and is concerned that the proposed site plan, and the massing, scale, rhythm, and proportions of the new building are incongruous with the existing urban fabric along the W. Mifflin Street and N. Fairchild Street frontages. The impact the proposed development will have on the fabric of the downtown core is highlighted on the attached graphics (labeled A and B), which were prepared by Planning staff to compare the existing building walls along N. Fairchild and W. Mifflin streets and building coverage with the building walls and coverage that will result if the proposed redevelopment is approved. As the graphics depict, the proposed development will result in more than 50% of the N. Fairchild street wall being eliminated in favor of a facade that generally does not face N. Fairchild and extends away from the street into the center of the site to frame the proposed garden space at the W. Mifflin-N. Fairchild corner. Along W. Mifflin Street, the street wall along that blockface will be greatly reduced by the proposed development, with the narrow end of the new building replacing the Schubert Building and the proposed garden replacing the Fairchild/ Stark Building.

Staff is concerned that the transition between the modern architecture on the non-State Street side of the project and the restored or recreated facades proposed along State Street does not work and is also not in keeping with the Urban Design Guidelines for Downtown Madison, which recommend that new buildings or additions respect the proportion of window openings and doors of existing buildings, and feels that that the rear of the new building will “intrude” more than “belong”. The design of the new building behind the State Street façade lacks visual interest from and relates poorly to the abutting streets. While the proposed State Street façade will replicate the sense of enclosure, rhythm and appearance of the historic block, the new building located behind those facades does little to address N. Fairchild Street and has little presence on W. Mifflin Street. The new building and corner garden will replace two buildings with four entrances facing W. Mifflin with a narrow façade that will include no entrances directly from the W. Mifflin sidewalk, while a secondary entry into the access core for the new complex will be the sole entrance from the N. Fairchild Street, sidewalk. A secondary entrance into the first floor restaurant space will face to the southwest but will be set back from the N. Fairchild and W. Mifflin sidewalks and be accessible only through the corner garden.

And while staff generally does not support the demolition of a landmark building under any circumstances, we believe that any project that proposes the demolition of a landmark like the Schubert Building should be of such architectural significance as to considerably add to the architectural character of the downtown and City at large.

Regarding the Fairchild/ Stark Building, the applicants acknowledge that it is in “relatively good condition,” but suggest “the adaptive reuse, renovation and incorporation of the building into the proposed development does not align with the overarching goal to provide a unique and special civic node reflecting the cultural institutions that surround it.” [It should be noted that this goal is one espoused by the applicants and is not included in any adopted City plans.] They further state that the preservation of the character of State Street, the revitalization of N. Fairchild Street, and the



establishment of the open space mitigate the loss of the Fairchild/ Stark Building and the adjacent landmark Schubert Building.

Staff believes that the removal of the Fairchild/ Stark Building for a private garden does not comply with the demolition standards and the purpose of the demolition ordinance, which in part reads:

*“The purpose of this section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving his or her existing building or buildings.”*

The existing limestone-clad building, which holds the corner of the block well and appears to be in good condition both inside and out, is a good candidate for adaptive reuse and possibly for designation as a local landmark.

The demolition of the Fairchild/ Stark Building is unwarranted in staff’s opinion, especially given that the proposed redevelopment does not intend to replace the existing building with another building, but instead proposes a garden, which staff believes disrupts the pattern created by surrounding buildings and diminishes the sense of enclosure that is created by buildings that are close to, and oriented towards the sidewalk. This pattern of development proposed does not comport to a number of urban design goals, objectives and policies contained in Volume II, Chapter 2 of the Comprehensive Plan, including aspects of Objectives 47, 48, 49, 51, 53 and 82. Those sections include recommendations that encourage buildings to be placed and designed in a manner that creates a visually attractive and engaging public realm and a sense of spatial enclosure, and promotes pedestrian activity. The Comprehensive Plan also generally places an emphasis on new development being complementary to and compatible with the existing and planned characteristics of its surroundings, and on redevelopment being designed to incorporate or improve upon existing positive qualities, such as building proportion and shape, the pattern of buildings and yards, and the orientation of buildings to the street. Staff does not believe that the demolition of a building in good condition to accommodate a curvilinear building that relates poorly to N. Fairchild and W. Mifflin streets and the adjoining historic buildings is consistent with these goals, objectives and recommendations. Should the demolition of the Fairchild/ Stark Building be approved, staff believes that a new building should be built to hold that corner of the N. Fairchild-W. Mifflin intersection.

Further, while the incorporation of well-planned, well-located and usable open spaces within densely developed urban areas is important to creating strong urban neighborhoods, staff believes that the open space proposed in the redevelopment plans for the subject site is out of place, and that it will add very little to the vitality of this block or the creation of high-quality open space node within the envelope of the Overture Center and Central Library and possible future State museum complex being contemplated across W. Mifflin Street. The applicant has represented in meetings that they are trying to create a sense of place and a civic node with the proposed garden. Staff does not believe, however, that the proposed project will achieve these goals, and instead believes that the garden creates a void at the N. Fairchild-W. Mifflin intersection. The garden, which will be a private space for the most part, does not appear to be designed to invite activity into the site from the adjacent streets, which staff believes runs contrary to the applicants’ goal of creating vitality in this area. Instead, the garden is primarily a landscaped area to be viewed from the sidewalk and Overture Center, which will also serve as an outdoor eating area for 30-40 patrons of the proposed first floor restaurant tenant. The garden

and outdoor eating area will likely only be used during warm weather, with little or no activity in the garden during the rest of the year. Staff believes this is contrary to creating a sense of place.

Staff feels that if a garden is to be incorporated into the proposed redevelopment, it should be rethought. Alternatives for the garden could include adaptive reuse of some of the existing buildings to create more of an all-season winter garden, or the relocation of the garden elsewhere into the project to allow the Fairchild/ Stark Building to be preserved. If the garden is to remain at its current location on the corner, staff believes that it should be redesigned to be more open from the adjacent sidewalks, and for it to be programmed to be more “public” so that it can create the vitality and activity desired by the project’s proponents.

Renderings included with the application materials suggest that the State Capitol dome will be visible from the ground floor of the Overture Center looking across N. Fairchild Street and over the curvilinear wing of the proposed building. Staff does not believe that this view will exist due to the location of other buildings located between the Overture Center and Capitol, including the existing Wisconsin Historical Museum and regardless of whether the Fairchild/ Stark Building on the opposite corner is retained or razed. In addition, views that exist from the upper floors of the Overture Center could be further diminished as buildings east of the subject site between the Overture and Capitol Square are potentially redeveloped in a fashion that would impact such a view. Staff does not believe that the applicants’ images should be used as a basis to support the demolition of the Fairchild/ Stark Building. Additionally, even if this view of the Capitol was possible, staff also does not believe that a view of the Capitol from the first floor of the Overture Center represents a compelling public interest that would substantiate the demolition of the Fairchild/ Stark Building and construction of the proposed garden.

Finally, the statement of purpose of the demolition permit section of the Zoning Code states that the purpose of the Plan Commission’s review of demolitions is to “...aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, [and] encourage the reuse and/ or relocation of existing buildings...” Staff does not believe that the proposed demolition of the Fairchild/ Stark Building or landmark Schubert Building can be found to be compatible with the purpose of Section 28.12(12) of the Zoning Code. Staff does not believe that the demolition of these buildings adheres to a number of goals and objectives found in the Comprehensive Plan, which recommends that features and places within the community that are of architectural and historical significance be protected and enhanced, that existing buildings that add to the vitality of the street and the historic fabric of the City be preserved or adapted, and that new development be harmonious between the older and newer buildings, particularly in older neighborhoods with an established character and buildings of historic or architectural interest and value (Vol. II, Ch. 2, Objective 51, Policies 2 and 3, and Objective 82; Vol. II, Ch. 8, Objective 3).

### Approval Process for the Project

As the Plan Commission knows well, the City of Madison is a community that places a high value on the preservation of its historical and architectural resources, and on the importance of high-quality urban design, especially within the downtown area in general, and in particular along the State Street corridor and the Capitol Square. Accordingly, the applicants’ redevelopment proposal for the western halves of the 100-block of State and W. Mifflin streets and the 100-block of N. Fairchild Street has generated a considerable amount of public discussion in the community and at the Landmarks and Urban Design commissions about the appropriateness of the project within the downtown core and along State Street.

The Landmarks Commission formally considered the proposed redevelopment at two public hearings and has taken action on various elements of the project. At its first public hearing on January 30, 2012, the Landmarks Commission approved a Certificate of Appropriateness for exterior alterations to the landmark Castle & Doyle Building at 125 State Street subject to terms of the preservation planner's staff report dated January 27, 2012; approved a recommendation to the Plan Commission and Urban Design Commission that the new building at 127-129 State is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent Castle & Doyle Building; approved a report to the Plan Commission that the Landmarks Commission finds the Vallender building at 127-129 State Street has social and architectural historic value and the Buell Building at 121-123 State has historic value based on the Craftsman style and historic mixed-use. If the Vallender building is demolished, the Landmarks Commission recommended that it be replaced with a building in a historically appropriate style. The Commission also approved a report to the Plan Commission that the historic value of the Haswell Building has been largely lost to exterior alterations.

At that meeting, the Landmarks Commission also recommended to the Plan Commission and Urban Design Commission that the current iteration of the fourth story and the N. Fairchild Street elevations of the building at 121 State Street are visually intrusive and adversely affect the character and integrity of the adjacent landmark. Specifically, the Landmarks Commission noted the adverse affect of the minimal setbacks, proposed material color, and overall perspective when coming up State Street. The Landmarks Commission referred consideration of the issuance of the Certificate of Appropriateness for the demolition of the Schubert Building at 120 W. Mifflin Street and discussions about the historic value of 124 W. Mifflin to a future meeting.

At its February 27 meeting, the Landmarks Commission recommended to the Plan Commission that the Fairchild/Stark Building at 122-124 W. Mifflin Street has historic value and is structurally sound and that it should not be demolished. It referred consideration of the issuance of a Certificate of Appropriateness to demolish the Schubert Building to allow discussions about the project to occur at the Urban Design and Plan commissions.

As noted earlier in this report, the general regulations for the C4 zoning district require that any new construction of a building, addition to an existing building, or major alteration of the exterior face of a building shall be permitted only after Urban Design Commission review and approval using the Urban Design Guidelines for Downtown Madison. The Urban Design Commission reviewed the proposed redevelopment project at its February 1 and March 7, 2012 meetings. Following a referral at the first meeting, the UDC approved on a 4-3 vote a motion on March 7 expressing interest in supporting the project. The March 7 motion states that the Urban Design Commission's supports the continued exploration of the general concepts of the project, noting that the volume of the building is acceptable with adjustments to State Street fourth-story façade pulled back from the Buell Building (which implies that the space is placed elsewhere). The open space at the corner can be supported by the UDC if issues are resolved with the public/private interface, including civic programming to invite the community in and which activates N. Fairchild and W. Mifflin Streets. The retail presence on N. Fairchild shall be increased, and the UDC recommended that the existing on-street parking on N. Fairchild be eliminated and the terraces be expanded to relate design-wise to the corner's open space. Issues of the Schubert building preservation by moving or inclusion shall be worked on. The UDC asked that the Plan Commission undertake the appropriate land use discussions as part of their initial steps.

The March 7 motion does not constitute initial approval of the project, but an expression of interest in support with an outline of the issues that need to be addressed with future consideration for initial approval of the project by the Urban Design Commission.

The minutes of the Landmarks Commission and Urban Design Commission discussions on the project are attached.

As a result of the status of the reviews by the Landmarks Commission and Urban Design Commission and the actions that those commissions still need to take on this project, Planning staff does not believe that the Plan Commission can take action on the demolition permit and conditional use requests at this time. However, staff recommends that the Plan Commission open a public hearing on the project and hold a discussion about its potential merits so that Plan Commission members can provide advice and direction to the applicants, and the Landmarks Commission and Urban Design Commission as they continue their consideration of the development. After the hearing and discussion, the Plan Commission should recess the public hearing and refer the project to a future meeting until the Landmarks Commission and Urban Design Commission have acted on the proposed redevelopment.

## **Conclusion**

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The applicants state that their project will transform an unattractive and underutilized blockface just off State Street and across N. Fairchild Street from the Overture Center through the introduction of a new building that will surround a garden space intended to serve as a repose for the civic node emerging at the corner of N. Fairchild and W. Mifflin streets. Their project proposes to achieve this dramatic transformation just south of State Street while recreating the facades of four buildings along State Street to preserve and potentially improve upon the character of that street.

The staff of the Department of Planning and Community & Economic Development generally supports many of the broader goals and objectives promoted by the applicants in their redevelopment proposal, including the applicants' desire to increase the vitality and improve the appearance of the 100-block of N. Fairchild Street. Staff also acknowledges the many important contributions that the project sponsors have made to the Overture Center for the Arts and elsewhere in the Madison community.

However, staff does not believe that the applicants' proposed development achieves its stated goals and cannot support the redevelopment in its current form for a number of reasons. Instead, staff strongly recommends that the project be redesigned to address the concerns expressed in this report, in the January 27 report of the City's preservation planner, and by members of the Landmarks Commission and Urban Design Commission.

Planning staff does not believe that the current redevelopment proposal can meet the requirements in the standards of approval for demolition permits and conditional uses. As staff stated in the preceding section, the building form proposed behind the State Street façade and the proposed garden on the W. Mifflin-N. Fairchild corner seem out of place and not in keeping with the demolition standards or the requirements for new development in the C4 Central Commercial District. While not a landmark, staff believes that the removal of the Fairchild/ Stark Building is unwarranted due to its good condition and architectural presence, especially since the proposed use following demolition is a private garden of little public benefit, and which staff believes relates poorly to modern urban design ethos and adopted policies in the Comprehensive Plan. Where buildings in the downtown core are encouraged to generally parallel the street and be built up to the street property line to continue the street wall of a block, the building proposed for this site curves away from the street property lines and is setback from the sidewalk along N. Fairchild Street at the corner of W. Mifflin Street. Staff believes that this design approach is more typical of a development found outside the downtown and strongly encourages the applicants to maintain a building at the street corner. Staff believes that the proposed redevelopment is

an underutilization of downtown property and that it does not fulfill the aesthetic qualities of the C4 Central Commercial District as promoted by the Urban Design Commission's Urban Design Guidelines for Downtown Madison.

The proposed redevelopment also calls for the demolition of a local landmark, the Schubert Building located at 120 W. Mifflin Street, which the Department does not support. Buildings are designated as landmarks because their architectural and cultural contributions to the community are unique and should be preserved. The demolition of landmark buildings is something that the City takes very seriously, and staff believes that their demolition should only be considered in very rare instances as a last resort and for truly extraordinary projects. Staff does not feel that the proposed redevelopment proposal rises to a level of significance that would allow staff to support the demolition or removal of the landmark building, and believes instead that there is an opportunity to use all or a portion of the Schubert building as part of the larger project.

Staff has suggested design alternatives to the applicants, which included providing open space within the development and reuse of the Fairchild/ Stark and Schubert buildings. Staff believes that these alternatives could achieve the activity and vitality of N. Fairchild Street and W. Mifflin Street in the manner desired by the applicants while maintaining or increasing the leasable square footage of the project. However, should the Schubert and Fairchild/ Stark buildings be razed as proposed, the Department of Planning and Community & Economic Development strongly encourages that alternatives to the architecture of the new building behind the State Street façade and the design of the corner garden be evaluated.

In closing, staff appreciates the efforts of the applicants to introduce a redevelopment proposal for such an important block in the downtown and acknowledges the goals of the proposal to bring more activity to and improve the aesthetics of this area. Staff would welcome the opportunity to work with the development team on modifications to the project that would better address the goals of the C4 zoning district and the Comprehensive Plan, and meet the applicable standards for approval.

### **Staff Recommendations, Conditions of Approval & General Ordinance Requirements**

Major/Non-Standard Conditions are shaded

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#### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

Following a public hearing and discussion about the project, the Plan Commission should recess the public hearing and **refer** the subject demolition permit and conditional use to a future meeting until the Landmarks Commission and Urban Design Commission have acted on the proposed redevelopment.

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The following conditions of approval from Planning staff and reviewing agencies have been submitted for consideration once the Plan Commission is able to take action on the requests. Additional conditions may be recommended once the project is ready to proceed to a decision on the demolition permit and conditional use application.

### **Planning Division Conditions of Approval**

1. The applicant shall submit a fully detailed and dimensioned final site plan for the project and detailed elevations of the proposed building complex (with all heights and materials noted) for Planning Division approval prior to the issuance of any demolition or building permits for the project.
2. Prior to the issuance of building permits, the applicant shall a Certified Survey Map for review and approval, and the approved CSM shall be recorded.

The following conditions have been submitted by reviewing agencies:

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

3. The proposed site plan is not sufficient for detailed comment or review by City Engineering staff. The applicant shall prepare and submit a complete grading and utility plan of the entire site, drawn to scale and fully dimensioned with property lines. Include existing and proposed grading and elevations (including the adjacent right of way), existing and proposed utilities with invert and structure information. These plans shall also show any improvements anticipated in the right of way. Additional comments based on the revised site plan materials should be anticipated.
4. Submit a PDF of each floor to Lori Zenchenko (Lzenchenko@cityofmadison.com) so that a preliminary 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.
5. Coordinate ownership changes and make the required Certified Survey Map application and recording prior to the issuance of any building permits.
6. The City will be reconstructing N. Fairchild Street from W. Washington Avenue to W. Mifflin Street, and W. Mifflin Street from N. Fairchild to N. Henry Street in 2013. The applicant shall coordinate any access, staging or construction issues with the City Engineering Division.
7. The construction of this development will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City/ Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
8. The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
9. The site plan shall identify the difference between existing and proposed impervious areas.
10. The approval of this conditional use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and

the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.

11. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
12. The applicant shall replace all sidewalk and curb and gutter that 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.
13. The applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
14. The applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
15. All work in the public right of way shall be performed by a City-licensed contractor.
16. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the Parks Division at [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
17. All damage to the pavement on State Street, N. Fairchild Street, and W. Mifflin Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
18. The site plans shall be revised to show the location of all rain gutter down spout discharges.
19. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
20. If the lots within this site plan are interdependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site, an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane County Register of Deeds.

21. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of the Madison General Ordinances.
22. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right of way. It may be necessary to provide information off the site to fully meet this requirement.
23. The applicant shall submit, prior to plan signoff, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
24. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
25. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc. shall be shown on the plan.
26. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
27. Prior to approval of the issuance of a demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged, the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.
28. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior City Engineering Division signoff, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.
29. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.



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

30. The applicant shall prepare a Parking Management Plan for the site and building operations for review and approval by the City Traffic Engineer.
31. The Common Council should note that future budgeting may need to be provided for traffic signal and/or pedestrian/bike facilities at the intersection of N. Fairchild St and W. Mifflin Street.
32. The developer shall work with the City to resolve any construction-related issues. A detailed construction plan shall be provided showing all access and staging areas when the applicant submits final plans for approval.
33. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2-foot overhang, and a scaled drawing at 1" = 20'.
34. The applicant 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.
35. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

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

This agency did not submit comments for this request.

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

This agency did not submit comments for this request.

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

36. Plans indicate building across property lines. Combine the parcels into a single lot or provide party walls at all lot lines per IBC Chapter 7.
37. Openings along property lines shall be protected or limited in accordance with IBC Chapters 6 & 7.
38. Provide fire apparatus access as required by IFC 503 2009 edition and MGO Section 34.503 as follows: IFC 503 Appendix D105 – Provide an aerial apparatus access fire lane that is at least 26 feet wide, with the near edge of the fire lane within 30 feet and not closer than 15 feet from the structure, and parallel to one entire side of the structure, if any part of the building is over 30 feet in height.

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

39. The Madison Water Utility shall be notified to remove the water meter prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

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

This agency did not submit comments for this request.