



## Report to the Plan Commission

October 15, 2012

**Legistar I.D. #27651**  
**306 W. Main Street**  
**PUD Amendment**

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

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**Requested Action:** Approval of a request to rezone 306 W. Main Street from Planned Unit Development-Specific Implementation Plan (PUD-SIP) to Amended Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow construction of a 172-unit apartment building. [The applicant revised the project scope from 176 units following the original submittal of the application on August 15, 2012.]

**Applicable Regulations & Standards:** Section 28.12(9) provides the process for zoning map amendments; Section 28.07(6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission recommend **approval** of Zoning Map Amendment ID 3629 and 3630, rezoning 306 W. Main Street from PUD-SIP to Amended PUD-GDP-SIP, to the Common Council subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

### Background Information

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**Applicant & Property Owner:** Block 51, LLC/ The Alexander Company, Inc.; 145 E. Badger Road; Madison; Adam Winkler, representative.

**Proposal:** The applicant is requesting approval of an Amended PUD-GDP-SIP to allow construction of an 11-story, 172-unit apartment building. The applicant wishes to begin construction in March 2013, with completion scheduled in September 2014. [The applicant revised the project scope from 176 units following the original submittal of their application on August 15, 2012.]

**Parcel Location:** The area of the Amended PUD-GDP-SIP comprises approximately 0.61 acres of the overall 4.5-acre Capitol West Planned Unit Development and is specifically located at the northwesterly corner or W. Main and S. Henry streets; Aldermanic District 4 (Verveer); Madison Metropolitan School District.

**Existing Conditions:** The site of the proposed apartment building is undeveloped above grade.

#### Land Use and Zoning Surrounding Proposed Apartments:

North: Capitol West Condominium tower at 309 W. Washington Avenue, zoned PUD-SIP;

South: Capitol Lakes Retirement Community, zoned PUD-SIP;

West: Hyatt Place Hotel, State of Wisconsin Department of Financial Institutions (345 W. Washington Avenue), and an existing parking garage for Capitol West, all zoned PUD-SIP;

East: Private park space located on the site of the former St. Raphael's Cathedral, zoned C4 (Central Commercial District) and PUD-SIP.

**Adopted Land Use Plan:** The subject site and surrounding properties are included in the Downtown Core District of the Downtown Plan, which identifies that district as the center of Downtown and generally recommends that it possess the highest intensity of development. A mix of office, employment, retail, government, residential, cultural, entertainment, and other uses are recommended to retain the area's vibrancy, including beyond normal business hours. The generalized future land use in the Downtown Core District calls for mixed-use development. The subject site and Capitol West PUD is recommended to have a maximum building height of 10 stories, though the height of the building on the subject site was previously approved for 11 stories (see Previous Approvals section below).

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

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

**Zoning Summary:** The subject site will be zoned PUD-GDP-SIP. The project will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Utility Easements, Barrier Free
No:	Wellhead Protection, Urban Design, Floodplain, Landmarks, Waterfront Development
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>	

## Previous Approvals

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The Capitol West mixed-use redevelopment was initially approved by the Common Council on December 14, 2004, with subsequent alterations to the development plan approved on July 19, 2005 and January 18, 2006. In all, Phase I of the project was approved for 173 dwelling units in eight buildings (including the 309 W. Washington Avenue tower), 12,000 square feet of retail space, the existing 82,520 square-foot State Department of Financial Institutions office building and 946 parking spaces. Phase II received general development plan approval for an up to 11-story, mixed-use building at 306 W. Main Street with 146 condominium units and 3,600 square feet of commercial space. Phase III of the planned unit development received general development plan approval for a 14-story, mixed-use building with 84 condominium units and 3,600 square feet of retail.

On September 19, 2006, the Common Council approved a major alteration to the approved PUD-GDP-SIP for Capitol West to add ten additional dwelling units to the first phase of development and an additional story to the condominium building at 309 W. Washington Avenue.

On October 2, 2007, the Common Council approved a major alteration to the approved an Amended PUD-GDP for Capitol West to allow the future construction of an 11-story, 151-room hotel at 333 W. Washington Avenue in place of the previously approved 14-story, mixed-use building with 84 condominium units and 3,600 square feet of retail. The 2007 amended general development plan also included a new phasing plan for the remainder of the Capitol West development that moved the construction of 5 townhouse units along the W. Main Street façade of the 514-stall parking garage, the 306 W. Main Street mixed-use tower and associated public improvements, vertical expansion of the Department of Financial Institutions office building, and pedestrian bridge across Washington Place into Phase III of the redevelopment project, with the hotel solely occupying Phase II.

On April 8, 2008, the Common Council approved a rezoning of that site from Amended PUD-GDP to PUD-SIP to allow construction of the Hyatt Place Hotel.

## **Project Review, Analysis & Conclusion**

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The applicant is requesting approval of an amended general development plan and a specific implementation plan for a 0.61-acre parcel located at the southeasterly corner of the larger 4.5-acre Capitol West Planned Unit Development to allow construction of an 11-story, 172-unit apartment building. The proposed apartment building will be constructed at the northwesterly corner of W. Main and S. Henry streets where an 11-story mixed-use building containing 146 condominium units and 3,600 square feet of commercial space was conceptually approved on the general development plan for Capitol West in 2004 and 2006.

The site of the proposed apartment building is currently undeveloped above grade and is characterized by a grass open space with approximately 20 feet of grade change from north to south across the site from the northernmost portion of the site along S. Henry Street to a low point at the southernmost corner of the site along W. Main Street. A portion of the proposed apartment building site along S. Henry Street has been improved below the grass slope with the underground parking structure that serves the adjacent Capitol West Condominiums (tower and mews townhouses) located northwest of the subject site along W. Washington Avenue and (private) Washington Place.

The proposed apartment building will be an L-shaped structure that will consist of an 11-story section parallel to W. Main Street that will include two 5-story elements that project from the southwestern and southeastern corners of the building, and a 7-story wing that will parallel S. Henry Street. The building will utilize the nearly two stories of grade change present from the northeasterly corner of the site along S. Henry Street to the southwestern corner of the building at the corner of Washington Place and W. Main Street, where 3 units are proposed on the partially exposed Level P2 facing Washington Place. The 172 apartments proposed will consist of 134 one-bedroom units and 38 two-bedroom units. The primary residential entrance will face W. Main Street at the first floor just west of S. Henry Street adjacent to a community room, mailroom and fitness center for residents that will be located below the grade of S. Henry Street at the southeastern corner. Parking for the apartments will be provided in 185 stalls located throughout the Capitol West development, including 51 stalls to be located on two levels below the proposed building that will be accessed from the existing underground parking located below the adjacent Capitol West Condominiums, 59 existing stalls located in the Capitol West Condominiums parking facility, and 75 stalls located in the above ground parking ramp located southwest of the new apartment building across Washington Place (80 Washington Place).

The exterior of the proposed apartment building will reflect many of the same modern design elements present throughout the Capitol West Planned Unit Development, including the adjacent Capitol West Condominiums at 309 W. Washington Avenue, the Hyatt Place Hotel to its west at 333 W. Washington Avenue, and the Broom Street Townhouses generally addressed as 33 S. Broom Street. The exterior of the apartments will primarily be constructed with a combination of glazed masonry units and metal panels of varying width and color, and will include a significant amount of windows on all four sides, including a three-story atrium at the lobby entrance along W. Main Street. Dwelling units will be provided a combination of projecting and French balconies that will be faced with steel rails and cables. The height of the building will stand 176.67 feet above City datum and below the maximum of 187.2 feet established as the Capitol View Preservation Limit for buildings within a one-mile radius of the State Capitol.

The amended planned unit development for the 172-unit apartment building will result in a modest increase in net unit density for this phase of the Capitol West development from the 146 units proposed in the earlier general development plan, but a slight decrease in bedroom density from 231 in the earlier plans due to a heavier reliance on one-bedroom units in the proposed building. The original plans called for 146 owner-occupied condominiums comprised of 74 one-bedroom, 59 two-bedroom, and 13 three-bedroom units, as well as ground floor retail space. However, the applicant has revised the program for this portion of the Capitol West development to respond to a market shift away from new residential condominium units toward smaller dwelling units geared toward young professionals. The PUD amendment also proposes to eliminate a pedestrian bridge across Washington Place that was originally planned to be built in this phase, which the applicant feels is no longer necessary to serve the larger development. The pedestrian bridge was conceptually proposed to cross Washington Place approximately midway between W. Washington Avenue and W. Main Street and would have connected the Capitol Mews/ Court Townhouses and 306 W. Main Street building to 80 Washington Place parking ramp and now Hyatt Place Hotel.

The Planning Division believes that the standards for zoning map amendments and planned unit developments can be met with the proposed Amended PUD-GDP-SIP. Staff believes that the proposed 172-unit apartment building at 306 W. Main Street is generally well designed and will represent a positive addition to the diverse architectural character of the downtown core. The applicant has made an earnest effort to improve the building material palette to address earlier staff concerns about the appearance of the proposed building, which staff felt lacked richness and color. While the proposed unit mix heavily favors one-bedroom units compared to the earlier condominium proposal for the subject site, staff feels that the proposed apartment building will add variety to the unit mix present in the Capitol West development and this area of downtown. Planning staff also does not object to the proposed removal of the pedestrian bridge across Washington Place from the overall planned unit development.

The Urban Design Commission reviewed the amended general development plan and specific implementation plan on October 3, 2012 and granted final approval of the project (see attached report).

### **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)

The Planning Division recommends that the Plan Commission recommend **approval** to the Common Council of Zoning Map Amendment 3629 and 3630, rezoning 306 W. Main Street from PUD-SIP to Amended PUD-GDP-SIP, subject to input at the public hearing, the following Planning Division condition(s) and the conditions from reviewing agencies:

1. That the zoning text be revised per Planning Division approval prior to final approval and recording of the specific implementation plan and the issuance of building permits as follows:
  - 1a.) a section shall be added to the text that acknowledges that a portion of the 306 W. Main Street building will be built across the property line within the air rights purchased from 309 W. Washington Avenue and that the resulting condition shall always be maintained as a single building and be contiguous with the 306 W. Main Street parcel; the zoning text shall further specify that a structure built only in the air rights space is not permitted;
  - 1b.) revise the statement of purpose to reflect the final number of proposed dwelling units;

- 1c.) remove the "Component" sections ("modifications", "included" and "completed" from the zoning text and place those sections into an expanded and revised letter of intent for the project;
  - 1d.) revise #1 of the Permitted Uses list to only state "Multi-family residences as shown on the approved plans" and remove #3;
  - 1e.) revise the Floor Area Ratio section and add a Building Height reference that states "The height and floor area of the building shall be as shown on the approved specific implementation plan. No portion of the building will exceed the Capitol View Preservation Limit (187.2 feet City datum)."
  - 1f.) revise the Signage section to state that signage for the project shall be limited to the maximum permitted in the R6 zoning district, and as approved by the Urban Design Commission or its secretary, and the Zoning Administrator.
2. The applicant shall execute the Emergency Services Access Easement required by the Building Inspection Division, City Attorney's Office and Fire Department prior to final approval and recording of the specific implementation plan and the issuance of building permits for the 306 W. Main Street apartment building.
  3. The developer shall submit an updated inventory of the automobile and bicycle parking available throughout the entire Capitol West Planned Unit Development for approval by the Planning Division with the final specific implementation plan along with a generalized description of how that parking is being allocated among the various uses.

The following conditions have been submitted by reviewing agencies:

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

4. This project appears to include lands previously declared in the Capitol West Condominium. Submit any necessary Condominium Amendment / Addendum documents as may be required by the City Planning Division for review and approval prior to recording said Condominium documents with the Register of Deeds.
5. The proposed building crosses underlying platted lot lines (common line between Lots 2 & 3, CSM 12008) which may need to be dissolved by a one-lot Certified Survey Map (CSM) in accordance with current building codes. A CSM application for this property may be required by the Planning Division and the CSM recorded with the Register of Deeds (ROD). When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
6. In accordance with Sec. 10.34 MGO – Street Numbers, submit a PDF of each floor plan to Lori Zenchenko in the Engineering Mapping Section (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.
7. The proposed private stormwater drainage system is shown connecting to the adjacent private property. A private stormwater easement allowing for this connection and detailing the maintenance rights and responsibilities shall be provided to City Engineering for review and

approval. This easement shall then be recorded at the Register of Deeds. Provide details in the plans showing how the connection will be made.

8. Proposed storm and sanitary connections are to existing private utilities. Prior to approval, provide evidence of an agreement for shared use of these facilities.
9. The lands within this proposed development are currently deed restricted from sale or transfer per Document No. 4253567 as recorded at the Dane County Register of Deeds. Upon the completion of a Developer's Agreement as required by the City, this deed restriction will be released.
10. The construction of this building 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.
11. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
12. The approval of this planned unit development 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.
13. 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.
14. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that 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.
15. 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.
16. All work in the public right of way shall be performed by a City-licensed contractor.
17. 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 City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816.

18. All damage to the pavement on W. Main Street and S. Henry Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
19. The site plans shall be revised to show the location of all rain gutter down spout discharges.
20. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
21. 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.
22. The lots within this site plan are inter-dependent 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 Co Register of Deeds.
23. Prior to final 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.
24. 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.
25. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. E-mail file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
26. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering Division signoff.
27. 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.

28. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by the Traffic Engineer Division to accommodate the microwave sight and building. The applicant shall submit grading plans and elevations if the building exceeds four stories prior to sign-off to be reviewed and approved by Keith Lippert, (266-4767) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.

29. When the applicant submits final plans of one contiguous plan 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, showing all easements, all pavement markings, building placement, and stalls, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'.

30. 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.

31. 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)

32. The developer shall pay approximately \$397,745.92 for park dedication and development fees for the 176 new multifamily units. This development is within the Tenney, Law & James Madison park impact fee district (SI26). The developer shall select a method for payment of park impact fees before signoff on the SIP.

33. 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.

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

34. This project will need a variance to the International Building Code from the Building Code Board of Appeals.

35. The following items shall be included in the PUD-SIP zoning for this project:

35a.) Any and all structures, new and existing, shall be Type IA construction.

35b.) The portion of 306 W. Main Street building intended to be built across the property line within the air rights purchased from 309 W. Washington Avenue shall always be maintained as a single building with the rest of the proposed 306 W. Main Street building and be contiguous with



the real ground of the 306 W. Main Street parcel. A structure built in air rights space only is not permitted.

- 35c.) Replication of all required fire command center features shall be provided in the fire command center at 306 W. Main Street and 309 W. Washington Avenue for both buildings.
- 35d.) Proposed ownership separation and building separation at the air rights shall not be a means of limiting the application of the Building and Fire codes nor Madison General Ordinances. In other words, if not for the property separation, the building could be built as a single structure and all code requirements are applied as if it were a single building.
- 35e.) All notices and orders issued for the 306 W. Main Street structure built within the air rights shall be the responsibility of the owner of the 306 W. Main Street parcel, including payment of any fees or assessments.
- 35f.) Openings in exterior walls, whether vertical or horizontal, shall comply with IBC 602 and Table 602.
- 35g.) An egress easement shall be established to accommodate exiting from 306 W. Main Street and 309 W. Washington Avenue across the plaza out to S. Henry Street.

36. The required emergency generator shall be supplied by an on-site fuel source, in accordance with MGO Section 34.604.

37. Per IFC 508 where a fire command center is provided, a plan submittal of the location and accessibility shall be provided to the Fire Department for approval. Note: A Fire Department permit and plan review is required of the layout of the fire command center and all features required by section IFC 508.1.4 to be contained therein and shall be submitted for approval prior to installation.

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

38. Note: The applicant shall notify the Madison Water Utility of any private wells located on this property. All private wells shall be abandoned in accordance with MGO Sec. 13.21.

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

This agency did not submit comments for this request.