



## Report to the Plan Commission – Addendum February 4, 2013

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**Legistar I.D. #28414 & 28592**

**619-625 N. Henry Street, 140 and 145 Iota**

**Court, and 150 Langdon Street**

**Demolition Permit, Conditional Use & PUD Rezoning**

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**Requested Actions:** Approval of a conditional use for waterfront development and a request to rezone 619-625 N. Henry Street, 140 and 145 Iota Court and 150 Langdon Street from R6 (General Residence District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow construction of an 71-unit apartment building following the demolition of 3 existing apartment buildings at 619 and 625 N. Henry Street and 145 Iota Court, and the renovation of 2 other apartment buildings at 140 Iota Court and 150 Langdon Street.

### Previous Hearing

The application for this project was filed on October 17, 2012 under the 1966 Zoning Code and is subject to review under that ordinance. A corresponding zoning map amendment to rezone the same property to the PD (Planned Development) zoning district under the 2011-12 Zoning Code will provide the development conforming zoning under the new code, which went into effect on January 2, 2013.

On January 14, 2013, the Plan Commission closed the public hearing and recommended re-referral of the request to a future meeting by voice vote/ other. During the discussion on this project, members of the Plan Commission asked that the development team look at the scale, height and mass of the proposed 79-unit apartment building, including the possible removal of units; consider incorporating one of the three buildings proposed for demolition into the development; incorporate the new building into the character of the surrounding neighborhood and preserve the feeling of the existing building "landscape" in the Langdon Street National Register Historic District. A review of the project's conformance with the Exterior and Interior Design Criteria for Planned Unit Development Districts with Residential Components in Downtown Design Zones was also noted.

The January 14 referral by the Plan Commission represents the continuation of the October 2012 application under the 1966 Zoning Code, and the project review continues to be governed by the requirements and framework for Planned Unit Developments in Section 28.07(6); the process for zoning map amendments in Section 28.12(10); the guidelines and regulations for the approval of demolition permits in Section 28.12(12), and the standards for waterfront development and conditional uses in sections 28.04(19) and 28.12(11), respectively. As a residential planned unit development in Downtown Design Zone 4 of the 1966 code, the project must also be reviewed for consistency with the Exterior and Interior Design Criteria for Planned Unit Development Districts with Residential Components in Downtown Design Zones.

### Review of Revised Plans

The project team presented revised plans for the project to Planning staff on January 24, 2013 and requested that the proposed development be scheduled for the February 4, 2013 Plan Commission meeting. The revised plans call for the construction of a six-story, 71-unit apartment building at the southeastern corner of N. Henry Street and Iota Court instead of the eight-story, 79-unit building previously proposed. The project continues to propose the demolition of the 3 existing apartment buildings located at 619 and 625 N. Henry Street and 145 Iota Court to accommodate the new building. In preparation for the February 4 Plan Commission hearing and February 5 Common Council hearing on the zoning map amendment, new public hearing notices were provided to owners and occupants

within 200 feet of the property, and a Class 2 notice of the hearings was published in the Wisconsin State Journal.

The revised development plans include a number of notable changes to the proposed building in addition to its reduced height and density. From N. Henry Street, the proposed building will include a five-story component on the uphill portion of the site closest to Langdon Street, with a four-plus-story component on the downhill side of the site at Iota Court. A deep hardscaped courtyard will be located between these two sections of the building leading to a more formal lobby for the building than the previous iteration of the project, which included a less pronounced entrance from N. Henry Street. The rooftop common open space that was previously located on the eighth floor of the 79-unit building has been relocated to the roof of the four-plus-story portion of the revised building overlooking the corner of N. Henry and Iota.

Turning the northwestern corner of the revised building, the northerly façade will begin as a five-story mass along Iota Court (the ground floor exposure of the revised building is the same as the previous and is due to the grade change present from south to north across the site). The building steps up to a six-story mass at the eastern edge of the Iota Court facade. The underground parking garage entry for the building has also been relocated from the N. Henry Street façade to the eastern end of the northerly façade. A secondary lobby for the building is proposed along the northerly façade, which will also include direct entries into 3 of the ground floor units. [Note: Some of the plan sheets in the January 24 materials show the underground parking entrance along the easterly façade from the north-south private easement drive colloquially referred to as “Langdon Lane.” The applicant indicates that driveway location was based on an earlier iteration of revised plans, and that the driveway shown on Sheets C-1.0 and 1.1 reflects the desired version of the project.]

In addition to the increased modulation of the new building, the revised design incorporates a 43-foot stepback above the fifth floor that shifts the tallest portion of the building away from N. Henry Street, as well as a 10-foot stepback on the sixth floor above Iota Court and a 15-foot stepback along the easterly façade in effort to limit the visual impacts of the building. The architect indicates that the final building material palette and detailing are not complete at this time, but that it is envisioned that each of the lower-floor modules will have distinct architectural features including brick colors, patterning, cornices, sill details, etc. intended to allow the building to read more individually than the previous 79-unit version.

The 71-unit building will contain 5 one-bedroom, 15 two-bedroom, 18 three-bedroom, 23 four-unit and 10 five-bedroom apartments above 55 automobile parking stalls. The project will be served by 74 bike parking stalls, 157 wall-hung bike racks, and 36 indoor moped parking stalls. The gross floor area of the new building will be reduced from 118,299 square feet to 106,434 square feet, which results in a reduced floor area ratio of 3.33 for the 3 buildings that will comprise the 0.91-acre PUD.

The revised planned unit development continues to include plans to renovate 140 Iota Court (“Cliff Dwellers”) and 150 Langdon Street. The revised materials include a new concept for re-skinning the southerly façade of the 140 Iota Court building as well as the internal layout and elevation photos of the 150 Langdon Street building.

#### Exterior & Interior Design Criteria for PUDs with Residential Components in Downtown Design Zones

The applicants have also revised their submittal to address the Exterior and Interior Design Criteria for Planned Unit Development Districts with Residential Components in Downtown Design Zones, which had not been addressed as part of earlier submittals and apply to the entire planned unit development,

not just the new six-story building. Those requirements are addressed on page 7 of the January 24 letter of intent. The applicants have also provided typical floorplans of the various dwelling units proposed and provided sufficient detail on the interior layout of each floor (including trash chutes, laundry rooms and tenant common spaces) to provide a fuller understanding of the function of the new building.

In reviewing the applicants' written responses to the criteria, staff is generally in agreement with all but one. Regarding the *Orientation* criterion, while staff acknowledges the reorientation of the new building to N. Henry Street with the revised plans, staff believes that additional work is needed to address how the new building meets the north-south private lane that abuts the property. Due to the relocation of the parking entrance to the Iota Court side of the building, the northern two-thirds of the easterly façade lacks a pedestrian scale along what is a well-traveled corridor. If the revised project is approved, staff recommends that the ground floor of the easterly façade be revised to incorporate larger and more transparent openings to create more perviousness along that side. If approved, staff will work with the applicant on the management plan for the overall project and requests that the plan materials further be refined to address how 140 Iota Court and 150 Langdon Street will meet these criteria, which apply to the entire PUD district.

### Analysis and Conclusion

The Planning Division acknowledges that the project team has made significant changes to the proposed apartment building at the core of its proposed planned unit development in a considered effort to address comments raised at the January 14 Plan Commission meeting and elsewhere during the review process for the proposed development. If approved, staff believes that the proposed six-story, 71-unit apartment building is an improvement over the version of the project reviewed on January 14.

However, Planning staff believes that its fundamental concerns with the proposed building are unresolved despite the changes the project team proposes. The demolition of the 3 existing buildings, which are contributing structures within the Langdon Street National Register Historic District, and the scale and mass of the new apartment building continue to be inconsistent with key recommendations of the Downtown Plan. Therefore, staff cannot recommend that the revised planned unit development and demolition permit meet the applicable standards and criteria for approval.

Preservation and compatibility with existing character are key themes in the Downtown Plan ("the Plan") for the Langdon District, most of which is located in the Langdon Street National Register Historic District. As stated in the earlier staff report, national register districts are not locally regulated. However, preserving contributing buildings is a goal of the Plan, and new development in the Langdon District is recommended to preserve the historic and architectural heritage of the area and enhance the essential character of the neighborhood. Infill redevelopment compatible with the historic context in scale and design on non-landmark locations and sites that are not identified as contributing to the National Historic District is recommended. The demolition of 3 buildings determined to be contributing structures in Langdon Street National Register Historic District is inconsistent with these recommendations. Staff further believes that despite the considerable efforts the applicants have made to further improve the design of the new building and reduce its visual impact, that its scale, bulk and mass is inconsistent with the historic scale of the area, which is predominantly characterized by lower-scale structures with small footprints that date back primarily to the first three decades of last century, including 4 of the 5 buildings on the subject site. Staff believes that the allowance for additional building height above the base five stories recommended in the Downtown Plan for this portion of the Langdon

District (Area F) is predicated on enhancing the historic character of the Langdon Street National Register District and implementation of the Plan's emphasis on preserving contributing buildings.

Due to the compressed timeline for bringing the revised project back to the Plan Commission for further discussion of the proposed demolitions and the bulk, height and mass of the new apartment building, the revised plans have not been presented to the Landmarks Commission or Urban Design Commission (UDC). Staff, however, believes that the core elements of the proposed development have not changed to the extent that the earlier advisory recommendations made by those bodies have been rendered moot.

### Recommendation and Proposed Conditions

If the Plan Commission cannot find that the standards and criteria for approval for demolition permits, conditional uses, zoning map amendments and planned unit developments are met, it should reject the demolition of the apartment buildings at 619 and 625 N. Henry Street and 145 Iota Court and the conditional use for waterfront development, and recommend that the Common Council place on file without prejudice Zoning Map Amendment ID 3643 and 3644, rezoning 619-625 N. Henry Street, 140 and 145 Iota Court and 150 Langdon Street from R6 (General Residence District) to PUD-GDP-SIP.

However, if the Plan Commission determines that the demolition of the 3 existing buildings and the scale, bulk, and mass of the proposed 71-unit apartment building can meet the applicable standards and criteria for approval, staff recommends that the Commission approve the demolition permit and conditional use and recommend that the Common Council approve Zoning Map Amendment ID 3643 and 3644, rezoning 619-625 N. Henry Street, 140 and 145 Iota Court and 150 Langdon Street from R6 (General Residence District) to PUD-GDP-SIP, all subject to input at the public hearing and the conditions from reviewing agencies that follow below.

[Note: The following Planning Division conditions of approval supersede the conditions it recommended in the January 14, 2013 staff report.]

1. The developer shall submit clear proof of ownership and/ or the existence of easement rights for all of the land on which the private fire lane/ pedestrian path is proposed to extend south and east from Iota Court prior to the final approval for recording and the issuance of demolition and building permits. The proof of ownership and easement rights shall be approved by the Director of the Planning Division in consultation with the City Assessor's Office, City Engineering Division, and City Attorney's Office.
2. The developer shall provide final plans and details for the private fire lane/ pedestrian path proposed along the eastern edge of the development for approval by the Planning Division, City Engineer, Traffic Engineering Division and Fire Department prior to final approval for recording and the issuance of demolition and building permits. At a minimum, the final plans shall include a fully dimensioned site plan for the entire private fire lane/ pedestrian path; grading, lighting and landscaping plans, and; construction details including the proposed pavement and sub-surface thickness.
3. That the planned unit development plans be revised per Planning Division approval prior to final approval for recording and the issuance of demolition and building permits as follows:
  - 3a. All applicable project plans shall be revised to show the proposed driveway from Iota Court and not from the north-south private lane;

- 3b. The plans shall identify the location of all outdoor mechanical equipment (ground and roof) and how any such equipment will be effectively screened for aesthetic and acoustic purposes;
  - 3c. The table on Sheet C-1.0 shall be revised to identify the new tower as "The Waterfront" instead of "Proposed Development" as currently shown so that each component of the PUD is clearly represented;
  - 3d. Provide detailed floorplans of each level of each building in the PUD, including the interior layout of all proposed dwelling units;
  - 3e. Provide dimensioned and labeled elevations for each façade of each building in the PUD;
  - 3f. Provide one bike parking stall per dwelling unit for each unit in the entire planned unit development as required by the Zoning Code (2 feet wide, 6 feet deep, with a 5-foot access aisle and 5 feet of vertical clearance); the bike parking provided for the remainder of the development may be provided through alternative means, including the proposed wall-mounted racks;
  - 3g. Clarify whether the parking in the 71-unit building will be available to the residents of the rest of the development;
  - 3h. Revise the project plans and letter of intent to include the final floorplans and operational information for 140 Iota Court and 150 Langdon Street, including but not limited to in-unit laundry or laundry rooms, trash collection and storage, unit layouts, and the location of common elements for those buildings.
4. That the zoning text be revised per Planning Division approval prior to final approval for recording and the issuance of demolition and building permits as follows:
    - 4a. Include a Statement of Purpose for the PUD that briefly addresses the specific components of the district;
    - 4b. The use list for the PUD shall be as follows as shown on the approved plans:  
*Conditional Uses:* Multi-family residences; leasing/ maintenance offices; accessory automobile, bicycle and moped parking and loading; and accessory uses related to the conditional uses.
    - 4c. That the Accessory Off-street Parking and Loading section be revised to provide information on whether the proposed parking in the new tower will be available to the residents of 140 Iota Court and 150 Langdon Street and under what conditions;
    - 4d. That the Signage section be revised to eliminate references to commercial uses and C2 zoning;
    - 4e. That a Family definition be added; staff recommends that the occupancy of each unit be limited to one occupant per bedroom plus one additional occupant (i.e.: a three-bedroom apartment could have a total occupancy of 4 persons), which would be consistent with recent approvals for student-oriented planned developments.
  5. That the revised plans showing the access to the underground parking from Iota Court be approved by the Planning Division, City Engineering Division and Traffic Engineering prior to final approval for recording and the issuance of demolition and building permits. The final width and location of the driveway and its impacts on the cross-section of Iota Court may be considered as part of this review to ensure multi-modal functionality for automobiles, bicycles and pedestrians through this corridor, which is identified as part of the Langdon Street Mid-Block Path in the Downtown Plan.
  6. The applicant shall submit a management plan for the entire PUD for approval by the Director of the Planning Division following a recommendation from the Director of Building Inspection Division. The property owner and management company shall abide by the terms of the plan. The property owner shall submit for approval any changes to management procedures or the management company as an alteration to the PUD. The approved management plan shall be referenced in the zoning text and recorded as part of the final PUD.

7. That the developer receive approval of the renovation plans for 150 Langdon Street from the Planning Division prior to final approval for recording of the PUD and the issuance of demolition and building permits for the project. An appeal of the staff decision may be made by the applicant to the Plan Commission.
8. That the developer receive approval from the Planning Division of the final exterior design details (including material palette) for the new six-story apartment building and 140 Iota Court and the landscaping plan for the entire planned unit development prior to final approval for recording of the PUD and the issuance of demolition and building permits for the project. An appeal of the staff decision may be made by the applicant to the Plan Commission.
9. That the applicant submit complete renovation plans for the apartment buildings at 140 Iota Court and 150 Langdon Street to remain for approval by the Director of the Department of Planning and Community and Economic Development prior to the recording of the planned unit development and the issuance of any demolition or building permits for the new apartment building. All necessary permits for the renovation of the two existing buildings shall be issued prior to the issuance of demolition or building permits for the new apartment building, the renovation work begun on both buildings prior to requesting a Certificate of Occupancy for the new apartment building, and the renovation work completed according to the approved plans within 6 months of the issuance of the Certificate of Occupancy for the new apartment building.
10. That the applicant submit proof of financing and executed contracts with construction firms for the entire scope of the project, including renovation of the two apartment buildings to remain, which provide assurances that the entirety of the project will be completed once started, in a form acceptable to the Director of the Department of Planning and Community and Economic Development prior to the recording of the planned unit development and the issuance of any building permits. For the purposes of this condition, the entire scope of the project shall mean all excavation; site utility construction; construction of improvements in the public right of way and on the zoning lot; structural, electrical, plumbing and mechanical construction, and; any other building improvements and furnishings required by the Director of the Building Inspection Division for the issuance of Certificates of Occupancy for the project. The scope of the approved renovation plans for 140 Iota Court and 150 Langdon Street shall be provided as part of this condition.
11. That the applicant receive approval of a Certified Survey Map (CSM) of the proposed planned unit development zoning district prior to final approval and recording of the PUD and the issuance of demolition or building permits, and that the CSM be recorded prior to issuance of any permits. The CSM shall create a minimum of 3 lots, including one lot for the proposed 79-unit apartment building, and one lot each for the apartment buildings at 140 Iota Court and 150 Langdon Street proposed to remain. Approval of the CSM shall be conditioned upon the granting of the easements necessary to maintain the private fire lane/ pedestrian path contained in the proposed PUD that will be shared by the 3 lots.
12. That the applicant work with the Planning Division to dedicate a permanent public easement for the lakefront pedestrian/ bicycle path along the northern edge of 140 Iota Court adjacent to Lake Mendota as recommended in the Downtown Plan. The final easement shall be reflected on the final PUD plans and dedicated on the CSM required in the above condition.

**All of the other conditions previously submitted by reviewing agencies and included in the January 14, 2013 staff report should be made conditions of approval if the project is approved.**