



**Project Address:** 1924 Atwood Avenue  
**Application Type:** Zoning Map Amendment for a Planned Development  
**Legistar File ID #** [29816](#)  
**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant/Owner:** Scott Lewis; CMI Management, Inc.; 121 S. Pinckney St., #200; Madison, WI 53703

**Contact:** Randy Bruce; Knothe and Bruce Architects, LLC; 7601 University Ave., Ste. 201; Middleton, WI, 53562

**Requested Action:** The applicant requests approval of a rezoning from PD-GDP (Planned Development – General Development Plan) to PD-SIP ((Planned Development – Specific Implementation Plan) to allow construction of a 50-unit apartment building.

**Proposal Summary:** The applicant proposes to construct a 50-unit apartment building with an underground parking area and a small surface parking area. As part of the project, the applicant also proposes to remove existing asphalt northeast of the proposed building for replacement with community gardens.

**Applicable Regulations & Standards:** This proposal is subject to the standards for zoning map amendments [M.G.O. Section 28.182(6)] and Planned Developments [Section 28.098(2)].

**Review Required By:** Urban Design Commission (UDC), Plan Commission (PC), and Common Council

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for Zoning Map Amendments and Planned Developments can be met and forward Zoning Map Amendment 00055, rezoning 1924 Atwood Avenue from PD-GDP (Planned Development-General Development Plan) to PD-SIP (Planned Development-Specific Implementation Plan), to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The subject property is located on the north side of Atwood Avenue between First Street and Second Street. The site is within Aldermanic District 6 (Rummel), and within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject 37,000 square foot (0.85-acre) parcel is currently a surface parking lot.

### Surrounding Land Use and Zoning:

**Northwest:** Across the railroad tracks, single and two-family houses in the TR-V1 (Traditional Residential – Varied 1) District

**Northeast:** 5-unit residential building in the TSS (Traditional Shopping Street) District

**Southeast:** Across Atwood Avenue, Chase Bank multi-tenant building and surface parking lot in the TSS (Traditional Shopping Street) District

**Southwest:** Mixed-use building with ground floor commercial space and 39 residential units in the PD-SIP District

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends Community Mixed-Use for this property.

**Zoning Summary:** The property is an existing Planned Development-General Development Plan (PD-GDP), and the proposed PD-SIP does not deviate from the standards approved in the PD-GDP.

	Required	Proposed
Lot Area	As shown on approved plans	N/A
Lot Width	As shown on approved plans	N/A
Front Yard Setback	As shown on approved plans	N/A
Side Yard Setback	As shown on approved plans	N/A
Rear Yard	As shown on approved plans	N/A
Number parking stalls	50	49
Number bike parking stalls	55 (1 per unit up to 2-bedroom, 1 guest space per 10 units)	50
Landscaping	Yes	Yes
Lighting	Yes	Yes
Building forms		
Other Critical Zoning Items: Urban Design (PD-SIP), Barrier free (ILHR 69)		

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services, including Metro Transit routes running along East Washington Avenue, First Street, Atwood Avenue, and Winnebago Street.

## Previous Approvals

The site is Phase Two of a Planned Development. The General Development Plan (GDP) approved on February 24, 2004 involved the demolition of a medical clinic and approval for 90 apartment units and 7,200 square feet of commercial space in two buildings. The first phase Specific Implementation Plan (SIP) for the adjacent 39-unit mixed-use building was approved on October 19, 2004. When the applicant took ownership of the property in 2012, a Minor Alteration to the PD was approved for exterior improvements to the mixed-use building adjacent to the subject property, and the improvements are nearing completion.

## Project Description

The applicant proposes to rezone property from PD-GDP to PD-SIP to build a four-story, 50-unit residential building consistent with the underlying PD-GDP for the property.

## Summary of Proposed Development

The proposed four-story building has 50 residential units comprised of 6 efficiencies, 33 one-bedroom, 2 one-bedroom + den and 9 two-bedroom units. Units range in size from 558 to 1,089 square feet, and most include 6-foot by 12-foot balconies. The proposed residential density is 59 dwelling units per acre. The building includes 54 automobile parking stalls, 49 of which are underground; and 50 bicycle parking stalls, 40 of which are underground.

The building is just less than 100 feet wide parallel to Atwood Avenue, approximately 162 feet deep, and 56-feet high at its highest point from grade. The exterior includes a light beige brick and three types of metal; smooth dark grey panels, smooth modular panels in deep red, and corrugated metal in medium grey. The building has a prairie stone base, precast sills and bands, and aluminum and steel on decks and railings. Both the main and secondary pedestrian entrances to the building are located off of Atwood Avenue, approximately three feet above grade, with stairs and an accessible ramp leading up to the main entrance. The entrance to the underground parking area is on the west side of the building internal on the site.

Latest plans include an approximately 150 square foot “commons” kitchen area on the first floor, which opens onto a large usable terrace on top of the underground parking area. Detailed floor plans have not been provided for each unit, but the applicant has indicated that there are no interior bedrooms in the units (except the “dens” included in two units). It is assumed that laundry facilities are provided within each unit, as there are no common laundry rooms

Also included on the site is a row of community garden spaces which would replace existing asphalt in an area northeast of the building, parallel to the railroad track. At this point, it is unclear whether these spaces will be available just to tenants of the building, or made available to nearby residents. On the far east side of the property, the applicant intends to maintain a portion of the existing asphalt driveway to provide rear access to serve property on Second Street adjacent to the railroad.

Start of construction is scheduled in August 2013, for August 2014 completion.

## **Analysis and Conclusion**

The proposal is subject to the Zoning Map Amendment [Section 28.182(6)] and Planned Development standards [Section 29.098(2)] of the Zoning Code. The analysis below begins with a summary of the adopted plan recommendations, as many of the specific approval standards reference these documents.

### **Conformance with Adopted Plans**

Staff believes that the proposal is consistent with the adopted plan recommendations. The Comprehensive Plan recommends “community mixed-use” for this area, where multi-family residential buildings are among the intended uses. The Marquette–Schenk-Atwood Neighborhood Plan (1994) also recommended this area for commercial and residential uses.

The building is consistent with the underlying PD-GDP originally approved in 2004, and will fit in well with the adjacent mixed-use building, which has recently been purchased and is being remodeled by the applicant. The proposed building will also complement the Schenk Atwood Business District, which has a variety of retail, service, restaurant, and entertainment establishments within easy walking distance of new residential tenants.

### **Zoning Map Amendment Standards**

Staff believes the Zoning Map Amendment standards can be met. These standards state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law.

Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's Comprehensive Plan. 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan." As noted above, staff believe the project is consistent with the Comprehensive Plan.

### **Design Considerations**

While it is a Planned Development, the project nearly conforms to the site and design requirements in the Traditional Residential-Urban 2 (TR-U2) District, which would likely be the closest conventional zoning district. The proposed density is under the allowable densities in the TR-U2 District, and the usable open space provided above the underground parking area, in the community gardens, and on balconies would exceed that required in the TR-U2 district.

Noting that the 11.5' front and 5.7' rear yard setbacks would not adhere to the TR-U2 standards for a 15' front yard and 20' rear yard, staff believes that the building placement on the property is optimal in this case, and superior to what would be required in the TR-U2. The rear property line is approximately 90 feet from the nearest residential property across the rail corridor to the north, so the proximity of the building to the property line should not negatively impact nearby properties. The front yard setback is generally consistent with the placement of the existing building to the southwest, and the grade separation between the street and the first floor helps to provide more privacy for these units. Finally, the east side yard adjacent to the 5-unit building provides nine feet between the property line and the underground parking area, which emerges approximately four feet above grade. The building face is stepped back an additional 10-11 feet, providing additional space between the two buildings.

This applicant has responded to early feedback from the Urban Design Commission by enhancing the building alignment with the rail corridor behind the building. The result is a building that has parallel lines with both Atwood Avenue and the rail corridor, and several atypical interior angles within the units. Staff will look for further input from the Urban Design Commission to determine whether the design has achieved their expectations in this regard.

Finally, staff notes that the Landscape Plan appears to meet and exceed the zoning code requirements for landscaping in conventional districts. The inclusion of honey locusts will provide shady areas for tenants on the east side of the building. The smaller trees, shrubs, foundation plantings, and green roof elements will help to soften the building from the street and from the perspective of tenants on upper levels.

### **Conclusion**

Staff believes that the project meets all applicable review standards. The building will replace a surface parking lot, and will be a positive addition to the near East side. The project is consistent with the recommendations in adopted plans and with the underlying PD-GDP as approved in 2004. The 50 additional residential units will add more vitality to this part of the Schenk-Atwood Neighborhood, providing additional support for new and old businesses in the area. The site and building are well-designed, and will complement the surrounding properties while adding a new palette of materials to this part of Atwood Avenue.

## Recommendation

Major/Non-Standard Conditions are Shaded

### **Planning Division Recommendation** (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the standards for Zoning Map Amendments and Planned Developments can be met and forward Zoning Map Amendment 00055, rezoning 1924 Atwood Avenue from PD-GDP (Planned Development-General Development Plan) to PD-SIP (Planned Development-Specific Implementation Plan), to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the conditions recommended by the reviewing agencies.

### **Recommended Conditions of Approval**

1. The PD-SIP Zoning Text shall be amended to reflect that permitted uses include 50 residential units and community gardens, and omit references to uses allowed in the TSS District.
2. Final plans submitted for staff review and approval shall include at least 55 bicycle parking stalls, as would be required in the TR-U2 District.

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

3. The Developer shall coordinate construction of the project with street and sewer reconstruction project on Atwood Avenue planned in 2014.
4. Storm water drainage from the development shall be directed to Atwood Avenue.
5. The proposed rain gardens/bio swales in the rail corridor area may not be allowed. Contamination concerns must be addressed by means of borings and testing, prior to allowing infiltration in this area.
6. Drainage from underground parking shall be directed to the sanitary sewer after treatment, in accordance with the Department of Commerce Plumbing Code
7. Borings shall be provided to show if there will be dewatering needed for construction and/or permanently for the building.
8. Due to a closed contamination site across the street ("Aratex Services, BBRTS #03-13001034), any temporary or permanent dewatering or ground water pumping shall be required to go to the sanitary sewer system. If the pumped water is proven not contaminated, then the Public Health Department may approve of dewatering discharge to the storm sewer system. Contact Brynn Bemis at 608-267-1986 for details.
9. Areas proposed for community gardens must be tested for potential soil contamination. Contact Brynn Bemis at 608-267-1986 for details.
10. Submit a PDF of all floor plans to [izenchenko@cityofmadison.com](mailto:izenchenko@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.
11. The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of Atwood Avenue in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO (MGO 16.23(9)(d)(6)).

12. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
13. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction (POLICY).
14. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
15. All damage to the pavement on Atwood Avenue, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
16. 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 (POLICY and MGO 10.29).
17. 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.
18. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required (NOTIFICATION).
19. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to:
  - a) Reduce TSS off of the proposed development by 80% when compared with the existing site.
  - b) 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 MGO Chapter 37Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.
20. The Applicant shall submit, prior to plan sign-off, 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:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) All Underlying Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words "unplatted"
  - h) Lot/Plat dimensions
  - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [izenchenko@cityofmadison.com](mailto:izenchenko@cityofmadison.com) . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file (POLICY and MGO 37.09(2) & 37.05(4)).

21. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints
  - b) Internal walkway areas
  - c) Internal site parking areas
  - d) Lot lines and right-of-way lines
  - e) Street names
  - f) Stormwater Management Facilities
  - g) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans)
22. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
- a) SLAMM DAT files
  - b) RECARGA files
  - c) TR-55/HYDROCAD/Etc
  - d) Sediment loading calculations

If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided (POLICY and MGO 37.09(2)).

23. 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 / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff (MGO 16.23(9)(d)(4)).

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

24. A condition of approval shall be that no residential parking permits shall be issued for 1924 Atwood Ave, which would be consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility requirement in their apartment leases, and shall submit for 1924 Atwood Ave a copy of the lease noting the above condition.

25. Plans submitted for final approval shall show location of future pedestrian connection between building common area and future pedestrian walkway located along the rail road corridor.

26. When the applicant shall submit 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 and proposed 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, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.

27. 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.
28. 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)

29. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31. Sign permits must be issued by the Zoning Section of the Department of Planning and Community and Economic Development prior to sign installations. Banners, pennants, temporary signs, portable signs etc. are not approved as a part of this project.
30. Pursuant to the MGO Section 28.142. Landscape plans for zoning lots greater than (10,000) square feet must be prepared by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. All plant materials in islands shall be protected from vehicles by concrete curbs.
31. Provide revised plans that resolve the conflict between the four proposed bike stalls or proposed landscaping along the SE property line.
32. Subject to Section 28.141(4)(e) MGO, meet all applicable State requirements for persons with disabilities. Plans shall include but not limited to:
  - a) Provide two accessible stalls striped per State requirements. This stall shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
  - b) Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
  - c) Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
33. Bicycle parking design and location shall comply with MGO Sec. 28.141 (11). Provide details on final plans, a bike-parking stall is two feet by six feet with a five-foot access area. Provide a detail of bike rack to be installed. Provide one bike stall per dwelling unit and 5 guest stalls in a safe and convenient location.
34. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets.

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

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



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

36. The developer shall pay approximately \$117,670 for park dedication and development fees for the second phase of this development, a 50 multi-family unit building. The developer must select a method for payment of park fees before signoff on the rezoning.

**New Development:**

Fees in lieu of dedication = (50 MF @ \$1,708) = \$85,400.00

Park development fees = (50 MF @ \$645.40) = \$32,270.00

Total fees = \$117,670.00

The park dedication requirement for a multi-family unit equals 700 square feet per dwelling unit. The fee in lieu of parkland dedication for multi-family units is \$1,708.00 per unit in 2013. The park development fee for a multi-family unit in 2013 is \$645.40 per dwelling unit. Park impact fees are adjusted on January 1 of each calendar year, and the park impact fees due at the time of building permit issuance may be higher than the amounts stated above to reflect these annual adjustments. This development is within the Vilas-Brittingham impact fee district (SI26). Please reference ID 05104.1 when contacting Parks about this project.

37. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry. Tree protection specifications can be found in section 107.13 of *City of Madison Standard Specifications for Public Works Construction* - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.

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

38. This property is not in a wellhead protection district. 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 a response to this request.