



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 810-854 East Washington Avenue (2<sup>nd</sup> Aldermanic District, Alder Zellers)  
**Application Type:** Major Alteration to Conditional Use  
**Legistar File ID #:** [39858](#)  
**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant:** Otto Gebhardt III; Gebhardt Development; 222 North St., Madison, WI 53714

**Contact:** Chris Gosch; Bark Design; 10 N Livingston St., Madison, WI 53703

**Property Owner:** Gebhardt Galaxie LLC; PO Box 2018, Madison, WI 53701

**Requested Action:** Approval of a conditional use for an addition reaching up to eight stories and including 48 residential units to a mixed-use building approved in 2014 and currently under construction in the Traditional Employment (TE) District.

**Proposal Summary:** The applicant proposes to construct an additional 48 residential units within a four-story element added on top of the third floor on the eastern portion of a full-block mixed-use building approved in 2014 and currently under construction.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses (MGO Section 28.183(6)) and to the design standards in Urban Design District 8 (MGO Section 33.24(15)).

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

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 810-854 East Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

## Background Information

**Parcel Location:** 810-854 East Washington Avenue is an entire city block bounded by North Livingston Street, East Mifflin Street, North Paterson Street, and East Washington Avenue; Wellhead Protection District 24; Tax Increment Financing District 36; Urban Design District 8; Aldermanic District 2 (Zellers); Madison Metropolitan School District.

**Existing Conditions and Land Use:** Under construction on the property is a 13-story mixed-use building, approved in 2014 with a total of 246 dwelling units and 132,500 square feet of commercial space.

### Surrounding Land Use and Zoning:

**Northwest:** Across East Mifflin Street to the northwest, Reynolds Field, a City of Madison park, and Well # 24, in the Parks and Recreation (PR) District.

**Northeast:** Across North Paterson Street to the northeast, Breese Stevens Field, a City of Madison park operating as a stadium for sports and other events in the Parks and Recreation (PR) District.

**Southeast:** Across East Washington Avenue to the southeast, a two-acre city-owned vacant property and office and warehouse spaces in the Traditional Employment (TE) District.

**Southwest:** Across North Livingston Street to the southwest, The Constellation, a twelve-story mixed use building with first-floor restaurants and a tavern, second and third-floor office and medical clinic spaces, and 217 residential units.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends community mixed use development for this block. The East Washington Avenue Capitol Gateway Corridor Plan (2008) recommends community mixed-use land uses for the East Washington Avenue side of the block, and Medium-Density Residential land uses on the East Mifflin Street side of the block. The Plan includes specific recommendations for height, building placement, and design which have been codified in MGO 33.24(15) for Urban Design District 8. The Tenney-Lapham Neighborhood Plan (2008) has land use recommendations consistent with the Capitol Gateway Plan.

**Zoning Summary:** The property is in the Traditional Employment (TE) District.

**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 several transit routes running along East Washington Avenue.

## Related Approvals

**2013 Conditional Use Approval** - The Plan Commission approved a conditional use on March 10, 2013 for the mixed-use building currently under construction on this full block. The building under construction includes 234 residential units split among a 13-story tower element and three and four-story residential elements along East Mifflin Street. The first three floors of the building along East Washington Avenue will have 120,000 square feet of leasable commercial space, including a 55,000 square foot full service grocery store. 661 parking stalls were originally approved in a four-level structure integrated in the core of the building.

**Urban Design Commission** – The UDC reviewed the proposal for its consistency with requirements and guidelines in Urban Design District 8 (MGO 33.24(15)), and granted *initial approval* for the design on October 7. The proposal will need to be submitted to the UDC in the future with more detail, and final approval of the design will need to be granted in order for the proposal to move forward.

## Project Description, Analysis, and Conclusion

**Land Use and Plan Consistency** - The applicant proposes a new five-story building element on the eastern side of this site, as part of the “Galaxie”, a full block mixed-use building is currently under construction. The proposed addition to the approved building consists of 48 apartment units (42 one-bedrooms, 4 two-bedrooms, and 2 three-bedrooms) on four stories above the already approved three-story commercial space along North Paterson Street. 24 of the 56 bedrooms are “interior bedrooms”

For usable open space, each unit has its own private balcony. The fifth floor consists of an 800 square foot community room opening to a 4,700 square foot rooftop deck overlooking Breese Stevens Field. In addition, a 3,500 square foot rooftop garden space formerly proposed on top of the grocery store close to Brearly Street is now proposed to be moved to this side of the building, and would be accessible from the fourth floor of the proposed addition. The rooftop garden area could expand to up to 7,000 square feet in the future. Management plans for these spaces are requested as a condition of approval.

On the block as a whole, 282 dwelling units result in a residential density of 63 dwelling units per acre, with lower-density uses along East Mifflin Street across from Reynolds Field. With the proposed addition, the full-

block development is consistent with land use recommendations in the Comprehensive Plan (2006) the East Washington Avenue Capitol Gateway Corridor Plan (2008), the Tenney-Lapham Neighborhood Plan (2008).

**Bulk, Massing, and Exterior Materials** - The proposed addition is approximately 82 feet wide parallel to East Washington Avenue and 200 feet long along North Paterson Street. In the most recent plan revisions, the addition would be 60 feet from the approved 13-story tower currently under construction. As it relates to the three surrounding streets, it is 66 feet from East Washington Avenue (slightly further back than the main tower), 18 feet from North Paterson Street, and over 90 feet from East Mifflin Street. The highest point of the addition would be just under 100 feet. At eight stories, this element will be well within the ten-story height limit in Urban Design District 8 for this portion of the site, and can be supported with conditional use approval in the Traditional Employment District. As proposed, the addition is clad in light grey aluminum paneling and glass, with limestone panels integrated as an accent material, equivalent to the material palette on the main tower currently under construction. Staff is requesting that additional detail on the exterior materials be provided to the UDC for their consideration of final design approval.

**Parking** - Slight reconfigurations to the approved 661-stall parking structure have resulted in an additional 40 stalls (701 total stalls). Across the site, the parking ratio for residential units would be 1:1. In addition, there would be 156 parking stalls deemed as "flex" stalls. These would be available for residential tenants to lease and use between the hours of 6:00 PM and 8:00 AM, and would otherwise be used for office spaces. Approximately five times per year, 100 of the "flex stalls" would need to be vacated by residents in the evenings for use by the public associated with evening events at Breese Stevens Field. Otherwise, the previously approved commercial parking ratios for the grocery and other retail spaces would remain the same. Increased bicycle parking has not been specified, but would need to be added at least to the level required in the zoning code. The applicant is encouraged to provide additional bicycle parking opportunities beyond code requirements, either within residential units, on vertical racks above automobile parking spaces, or both.

Staff believes that the conditional use standards, including Standard 12 related to height above five stories in the Traditional Employment Zoning District, can be met with the proposed addition. Staff believes that the proposal is consistent with the requirements and guidelines in Urban Design District 8, noting that design details will be reviewed again by the UDC at a future meeting. As noted in the conditions of approval, staff recommends that the applicant provide additional information on bicycle parking, provide a management plan for parking and common spaces, and reflect any UDC conditions in revised plans submitted for staff review and approval.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request at 810-854 East Washington Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

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

1. An updated management plan for the property including parking management, the use of the community room, rooftop terraces, and rooftop gardens shall be provided to staff for review and approval as part of the conditional use.
2. Final plans submitted for staff review and approval shall include sufficient detail to ensure that the 24 interior bedrooms within one-bedroom dwelling units on the west side of the tower have borrowed light from living spaces.
3. Final plans submitted for review by the Urban Design Commission and staff shall include sufficient detail on the proposed materials to include colors, specifications, and assurances that the proposed metal panels will not have visible fastening systems.
4. Prior to submitting final plans for review and approval by staff, the UDC must grant final approval of the design of the proposal, and the applicant shall meet any conditions of approval by the UDC.
5. Final plans shall include additional information and associated parking plans to ensure that bicycle parking requirements are met or exceeded for the entire building.

### **City Engineering Division** (Contact Brenda Stanley, 261-9127)

6. This alteration adds units that were not declared within the Galaxie Condominium as units nor was the area shown as a future expandable area. The condominium declaration shall be amended as necessary adding the new additional area as expandable area and also adding the units to the condominium that are part of this addition. An addendum to the Condominium Plat shall also be recorded with the amendment. Both shall be recorded at the Register of Deeds prior to building permit issuance.
7. No changes to the physical elevations of the entrances to the buildings are approved with this application unless the Developer's agent meets first with City Engineering staff for review and approval.
8. Apartment addresses on floor plans are non-conforming and shall not be used. Submit a PDF of all floor plans (include all floors below the proposed additional apartments, it is unclear if the proposal affects the commercial or parking levels) to [Izenchenko@cityofmadison.com](mailto:Izenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed prior to plans being submitted for permit review. 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.

9. Revise plans to show elevations and sizes of sanitary sewer facilities(Existing and Proposed).
10. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Brenda Stanley). 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) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) Plat name and lot lines (metes & bounds parcel lines if unplatted)
  - g) Platted lot numbers (noted "unplatted lands" if not platted)
  - h) Lot/Plat property dimensions
  - i) Street names
  - j) Stormwater Management Facilities
  - k) Detail drawings associated with Stormwater Mgmt Facilities (including if applicable planting plans)
11. The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. (MGO 10.05(6)) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
12. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. (MGO 10.05(6)) and MGO 35.02(4)(c)(2)). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>
13. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan (POLICY).
14. 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 (POLICY).

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

15. The letter of intent indicates completion of both Phase I & II for July 2016; however, requests have already been made to begin occupancy as early as November 2015. Provide a detailed layout of the area that would be requested to be occupied prior to completion of the building in addition to the interim life safety plan and other means and methods to ensure the safety of occupants from the continued construction of the building.
16. Site plans do not reflect current designs and differ from sheets within the Phase II conditional use alteration set. Specifically, the landscape is different between sheets. Provide accurate documents at site verification step.
17. Additional comments may be warranted based on the limited detail of the exiting plans at this point of the building design.

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

18. In coordination with new revisions to the public works improvements, the applicant shall replace the concrete passenger boarding pad at the existing Metro bus stop on the north side of East Washington Avenue, west of Paterson Street (#1660) - at least 50 through 60 feet west of the new curb ramp location. The concrete pad shall occupy the full distance of the terrace, measure a minimum of 10 feet in width parallel to the street, and lie flush between the sidewalk and the top of curb. A continuous concrete terrace would also be suitable.
19. The applicant shall install and maintain a bench or other seating amenity in the adjacent property landscape plan (making revisions to location per requirement above), ideally taking advantage of any building overhang or canopy to provide the seating amenity some shelter from the elements.
20. The applicant shall continue to maintain and protect access to the existing bus stop zone for both pedestrians and transit vehicles at all times during project construction.
21. The applicant shall include the location of these revised transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design. (See attached document "800ew\_Metro.pdf").
22. Metro Transit operates daily transit service along East Washington Avenue through the North Paterson Street intersection. Bus stop ID #1660 is adjacent the proposed project site along the north side of East Washington Avenue, with the bus stop zone encompassing the area from the existing bus stop sign pole and concrete boarding pad surface east back to the intersection at North Paterson Street. Any shift of the current curb ramp and crosswalk towards the west, to accommodate the widening of North Paterson Street, requires a corresponding shift of the existing concrete boarding pad location - to prevent a stopped bus from encroaching in the widened area of the new intersection.

**Parks Division** (Contact Janet Schmidt, 261-9658)

23. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for the additional residential units associated with this development. The developer must select a method for payment of park fees before signoff. This development is within the Tenney – Law – James Madison park impact fee district (SI26). Please reference ID# 14109 when contacting Parks about this project.

**Traffic Engineering** (Contact Eric Halvorson, 266-6527)

24. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Dave Nachreiner, (266-4899) 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.
25. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
26. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
27. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting,

signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

28. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
29. A condition of approval shall be that no residential parking permits shall be issued for 810 East Washington Avenue. The applicant is encouraged to inform all tenants of this restriction in their apartment leases. In addition, the applicant shall submit a copy of the lease noting the above condition.

**Water Utility** (Contact Dennis Cawley, 266-4651)

30. This property is located in wellhead protection district WP-24. This proposed use is allowed in this district. Any proposed changes in use shall be approved by the Water Utility General Manager or his designee.
31. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Zoning Administrator** (Contact Jenny Kirchgatter, 266-4429)

Comments from this agency will be provided to the Plan Commission when received.