

PLANNING DIVISION STAFF REPORT

OCTOBER 5, 2016 URBAN DESIGN COMMISSION

OCTOBER 17, 2016 PLAN COMMISSION



Project Address: 810 E. Washington Avenue; "Galaxie" Ph. III (Starliner Condominiums)

Application Type: Conditional Use Alteration

Legistar File ID # [44183](#)

Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Kyle Dumbleton, Midwest Modern, LLC; 510 W. Edgewater Street; Portage.

Contact Person: Lee Christensen, Gebhardt Development; 222 North Street; Madison.

Property Owner: Otto Gebhardt, III; 222 North Street; Madison.

Requested Actions: Consideration of a major alteration to an approved conditional use to allow construction of 11 live-work units and 32 multi-family dwellings in two buildings along the E. Mifflin Street side of "The Galaxie" mixed-use development, generally addressed as 810 E. Washington Avenue.

Proposal Summary: The applicant is requesting approval of a major alteration to The Galaxie mixed-used development on the 800 north-block of E. Washington Avenue to revise the architecture and unit mix for Phase III of the project, which is being marketed as "The Starliner Condominiums and Lofts." The proposed alteration calls for 43 dwelling units to be constructed in two buildings along the E. Mifflin Street frontage of the block-wide redevelopment, including 11 two-story live/work units and 8 third floor apartments in a three-story western building, and 24 owner-occupied condominiums in a four-story eastern building. This phase was previously approved as 20 live/work unit building and 25-unit owner-occupied building, respectively. The applicant proposes to commence construction of Phase III as soon as all regulatory approvals have been granted, with completion anticipated by April 2017.

Applicable Regulations & Standards: The Galaxie mixed-use development required a series of conditional use approvals in the Traditional Employment (TE) zoning district to be granted by the Plan Commission in order to proceed, including:

- Dwelling units in a mixed-use building;
- Live/work units, subject to supplemental regulations in Section 28.151;
- Private parking facility;
- Height exceeding five stories or 68 feet in the TE District.
- Food and related goods sales (for the Festival Foods grocery store);
- Outdoor Display (related to the grocery store);
- Outdoor eating area(s);
- Market Garden; and
- General retail establishments.

Section 28.183 of the Zoning Code provides the process and standards for the approval of conditional use permits and major alterations thereof. The criteria for new development in Urban Design District 8 are found in Section 33.24(15) of the Urban Design Commission ordinance.

Review Required By: Urban Design Commission and Plan Commission.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a major alteration to an approved conditional use to allow construction of 11 live-work units and 32 multi-family dwellings in two buildings along the E. Mifflin Street side of "The Galaxie" mixed-use development, generally addressed as 810 E. Washington Avenue, subject to **approval** by the Urban Design Commission, input at the public hearing, and the conditions from reviewing agencies beginning on page 6 of this report.

Background Information

Parcel Location: The subject site is part of an entire city block bounded by N. Livingston Street on the west, E. Mifflin Street on the north, N. Paterson Street on the east, and E. Washington Avenue on the south. The site is located in Wellhead Protection District 24; Tax Increment Financing District 36; Urban Design District 8; Aldermanic District 2 (Zellers); and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is developed with the Galaxie mixed-use development. The first phase of the development includes

Surrounding Land Uses and Zoning:

North: Reynolds Field and Madison Water Utility Well 24, zoned PR (Parks and Recreation District);

South: Undeveloped vacant land owned by the City and office and warehouse spaces, zoned TE (Traditional Employment District);

West: The twelve-story Constellation mixed-use building, zoned PD (Planned Development District);

East: Breese Stevens Field, zoned PR.

Adopted Land Use Plans: The Comprehensive Plan recommends the subject block for Community Mixed-Use development.

The East Washington Avenue Capitol Gateway Corridor Plan (2008) recommends community mixed-use land uses for the E. Washington Avenue side of the block, and medium-density residential land uses on the E. Mifflin Street side of the block. The Plan includes specific recommendations for height, building placement, and design, which have been codified in MGO Section 33.24(15) as Urban Design District 8. The Tenney-Lapham Neighborhood Plan (2008) has land use recommendations consistent with the Capitol Gateway Plan, and also recommends that vehicle and loading traffic be minimized along E. Mifflin Street.

Zoning Summary: The site is zoned TE (Traditional Employment District):

Dimensional Requirements	Required	Proposed
Lot area	6,000 sq. ft.	193,475 sq. ft. ±
Lot width	50'	593'
Front yard setback	0'	Adequate
Side yard setback	6'	Adequate
Rear yard setback	20'	Adequate

Maximum lot coverage	85%	82% (See Zoning Conditions)
Minimum height	22'	Exceeds 22'
Maximum height	5 stories/ 68', unless exceeded by Conditional Use	14 stories/158' max.; 3- to 4- stories on E. Mifflin Street side
Usable open space - Residential	20 sq. ft./bedroom (396 bedrms.)	7,920 sq. ft. (See Zoning conditions)
Site Design		
Number parking stalls	Residential: 1 per dwelling unit = 292 Grocery 1 per 400 sq. ft. fl area = 138 Parking for 77,500 sq. ft. white box retail/restaurant/office TBD <ul style="list-style-type: none"> • 15% capacity for restaurant, • 1 per 400sf retail/office • 1 per 2 employees clinic • 10% capacity health club, bakery 	658 total; Approximately: <ul style="list-style-type: none"> • 268 residential • 183 grocery • 210 retail/restaurant/office (See Zoning conditions)
Bike parking	Residential = 292 +25 visitor Grocery = 28 Bike Parking for 77,500 sq. ft. white box retail/restaurant/office is TBD <ul style="list-style-type: none"> • 15% capacity for restaurant, • 1 per 2000sf retail/office • 1 per 5 employees clinic • 1 per 2 employees clinic • 5% capacity restaurant 	Approximately 360, mix of short and long-term (See Zoning conditions)
Accessible Stalls	Yes	Existing in central parking structure
Loading	3 (10'x50')	Two 10'x50'; three 10' x 35'
Building Forms	Podium Building	Meets building forms
Other Critical Zoning Items:		
Yes:	Urban Design District 8, Utility Easements, Barrier Free, Wellhead Protection (WP 24)	
No:	Floodplain, Waterfront Development, Landmark, Adjacent to Park	
<i>Prepared by: Jenny Kirchgatter, Asst. Zoning Administrator</i>		

Environmental Corridor Status: The property is not located in a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services, including seven-day Metro Transit service along E. Washington Avenue.

Previous Approvals

On March 10, 2014, the Plan Commission approved a conditional use to allow construction of "The Galaxie" mixed-use development on the 800 north-block of E. Washington Avenue, which includes 246 residential units split among a 14-story tower (201 units) and three- and four-story residential elements along E. Mifflin Street (45), as well as 132,500 square feet of commercial space, including a 55,000 square foot full service grocery store. Parking for the development is provided in a four-level structure integrated into the core of the building, which includes 658 parking stalls.

On October 19, 2015, the Plan Commission approved a major alteration to an approved conditional use to allow construction of an addition to The Galaxie mixed-use project to include 48 additional apartment units in an eight-story building along the N. Patterson Street side of the development.

Supplemental Regulations

The supplemental regulations for **Live/Work Units** in Section 28.151 are:

- (a) The work space component shall be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.
- (b) The dwelling unit component shall be located above or behind the work space, and maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.
- (c) The office or business component of the unit shall not exceed fifty percent (50%) of the total floor area of the unit.
- (d) The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or limited retailing associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property, or other protected use. It shall not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
- (e) In the TE District, new residential uses, whether in new or existing buildings shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.
- (f) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.

Project Description

The applicant is requesting approval of a major alteration to the approved conditional use for The Galaxie mixed-used development first approved in March 2014 for the 800 north-block of E. Washington Avenue. The focus of the alteration is on Phase III of the development, which consists of two residential buildings that will face north onto E. Mifflin Street on the northern edge of the block.

The plans approved in 2014 for this portion of the project called for 20 one-bedroom live/work units to be constructed in a three-story building that would extend east across the E. Mifflin frontage from N. Livingston Street, and for 25 owner-occupied dwelling units to be constructed in a four-story building that would extend west from N. Paterson Street. The approved owner-occupied building included a variety of unit sizes, with a total of 52 bedrooms proposed. The space between the two E. Mifflin Street buildings is part of a plaza that will extend north-south through the block once complete to provide pedestrian and bicycle access to the main entrance of the Festival Foods grocery store, which occupies approximately 55,000 square feet of space at the southwestern corner of the overall Galaxie development. The two buildings will be separated from the Phase I and Phase II buildings and four-story core parking structure by a 25-foot wide access aisle parallel to the southern walls of the Phase III buildings.

The proposed alteration calls for 43 dwelling units to be constructed in the two buildings in this phase, which is being marketed as "The Starliner Condominiums and Lofts." The buildings will be constructed in the same approximate location as originally approved in 2014. However, the exterior appearance of the two buildings and the mix of units in both are the subject of the proposed alteration.

In the western building, the applicant proposes 11 two-story live/work units to occupy the lower two stories of the three-story building, with the remaining 8 units to be apartments located on the third floor. The 11 live/work units will have entrances from either N. Paterson Street or E. Mifflin Street, while access to the third floor apartment units will be provided from a dedicated lobby along E. Mifflin Street that leads up to a common hallway along the southern wall of the western building (see Sheet A1.1L of the plans). The 19 total units will consist of one- and two-bedroom floorplans, with a total of 24 bedrooms proposed.

The plans for the eastern building call for a total of 24 one- and two-bedroom units to occupy the four-story building, with six units per floor. Access to the first floor units will be provided from at-grade entrances from E. Mifflin Street, while the units on floors 2-4 will be provided from a dedicated lobby where the through-block plaza meets E. Mifflin Street, which leads up to common hallways along the southern wall (see Sheet A1.1C). Parking for both buildings will be provided in the central parking structure, with access from the eastern building to be provided by a fourth floor pedestrian bridge proposed to connect the eastern building to the parking building.

The alteration also calls for a more streamlined exterior for the two buildings. Balconies have been added to most units in the western building and all units in the eastern building. The exterior of the western building will feature brick on the lower two floors and wood-grained fiber cement siding on the third floor, while the exterior of the eastern building will feature the wood-grained siding on the first floor, and contrasting gray fiber cement and corrugated metal panels on the upper three stories. Comparative renderings of the approved elevations of the buildings and the revised exteriors proposed with this alteration are included in the application materials. Alterations to the landscaping plan are limited to minor adjustments to the planting beds located between the buildings and sidewalk, which staff feels can be approved by the Urban Design Commission secretary prior to issuance of permits for the Phase III buildings.

Analysis and Conclusion

The Planning Division believes that the proposed alterations to The Galaxie mixed-use development can meet the standards for conditional use approval, any supplemental regulations applicable to this phase, and the criteria for this site per Urban Design District 8 subject to the conditions included in the "Recommendation" section of this report, which follows. The proposed alteration results in a minor reduction in the number of units to be constructed, from 45 to 43, through the slight increase in the number of two-bedroom dwelling units and elimination of efficiency/ studio units in this phase. Planning staff also supports the streamlined exteriors of the Phase III buildings, which we feel represents the ongoing refinement of the overall Galaxie development. Staff believes that any final project details for Phase III, including the landscaping plan, may be dealt with administratively prior to final plan approval and issuance of building permits based on direction provided by the Urban Design Commission.

Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** a major alteration to an approved conditional use to allow construction of 11 live-work units and 32 multi-family dwellings in two buildings along the E. Mifflin Street side of "The Galaxie" mixed-use development, generally addressed as 810 E. Washington Avenue, subject to **approval** by the Urban Design Commission, input at the public hearing, the following Planning Division condition(s), and the conditions from reviewing agencies:

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

Planning Division

1. Units 301-308 of the western, Live/Work building do not meet the supplemental regulations for such units and shall be labeled as multi-family dwellings (apartments, etc.). The final plan sets shall be modified to clearly identify the 11 live/work units and 8 non-live/work units in the western building accordingly.
2. The final plans for Phase III shall include an updated project data table for the overall Galaxie development, including the number of dwelling units in each phase by type (number of bedrooms, live/work, etc.), commercial square-footage, and automobile and bike parking stalls.
3. That final approval of the modified plans for Phase III be approved with a condition requiring approval of a final detailed landscaping plan for this phase by the Secretary of the Urban Design Commission. Appeal of the secretary's decision on the landscaping plan and final project details may be filed for review by the full Urban Design Commission.

The following conditions have been submitted by reviewing agencies:

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

4. The utility plan appears to be out of date for utility improvements made to Paterson Street. (See City-Issued Plans dated August 24, 2015 and June 3, 2016, Project #53B2371)
5. All City Engineering comments for original conditional approval of 810 E. Washington Ave, The Galaxie, shall be applied to this approval.
6. For Commercial sites less than 1 acre in disturbance, the City of Madison is an approved agent of the Department of Commerce and Wisconsin Department of Natural Resources (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.
7. This project falls in the Rock River TMDL Zone and is subject to increased erosion control enforcement as authorized by Resolution 14-00043 passed by the Common Council on January 21, 2014. The project will be

expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department Natural Resources (WDNR).

8. 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 5.0-tons per acre per year.
9. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office.
10. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% off of the proposed development when compared with the existing site.
11. 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 Madison General Ordinances.

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

12. The construction of these units requires expansion of the Galaxie Condominium. A condominium addendum and plat amendment shall be recorded at the register of deeds prior to final site plan approval.

13. The alpha numeric unit numbers shown on the matrix and plans are not valid for addresses. Submit a PDF of all floor plans to lzenchenko@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.

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

14. The applicant shall submit one contiguous plan for approval. The plan drawing 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.
15. 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.

16. 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.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency reviewed this request and has recommended no conditions of approval.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

17. Each phase of the development must reflect compliance in the required amount, type and number of auto and bicycle parking spaces, to be reviewed prior to obtaining zoning approval for each use.

18. Per telephone conversation on September 23, 2016 with applicant Kyle Dumbleton, a drive-thru service window (vehicle access sales and service window) is **not** being requested with this application. Submit a revised letter of intent with the final plan submittal removing any references to a drive-thru service window.

19. Provide calculations for useable open space for the overall development and for phase III of the development. Clearly show the useable open space areas on the final plans. In addition to showing structured useable open space at balconies or rooftop areas, identify each qualifying at-grade usable open space area on the final plans. Roof decks and balconies may be used to meet up to 75% of the minimum open space requirement, provided that minimum dimensional requirements are satisfied.

20. Provide an undated vehicle parking and bicycle parking summary for the entire development. A minimum of 43 automobile parking stalls and 46 bicycle parking stalls are required for Phase III of the development.

21. Show the existing and proposed exterior bicycle parking stalls on the proposed Phase III site plan.

22. The live/work units shall comply with the supplemental regulations of Section 28.151 for Live/Work Units.

23. Submit a revised landscape plan and landscape worksheet stamped by the registered landscape architect. The landscape plan shall be updated based on the proposed building footprints. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.

24. If exterior lighting is provided, it must comply with MGO Section 10.085 outdoor lighting standards. If exterior site lighting is provided, submit an exterior lighting plan and fixture cut sheets with the final plan submittal.

25. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

26. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances and Chapter 33 Urban Design ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Bill Sullivan, 261-9658)

27. Signage shall be provided at the pedestrian bridge informing users that they are entering a different building with a different address. Location shall match fire alarm/fire sprinkler zones.
28. Coordinate the fire alarm and fire sprinkler zones for the pedestrian bridge.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

This agency reviewed this request and has recommended no conditions of approval.

Parks Division/ City Forestry (Contact Janet Schmidt, 261-9688)

Note: This agency did not submit comments for this alteration. Any conditions applied to this phase with the previous approvals are carried forward to this alteration, including the requirement to pay park impact fees for the dwelling units in this phase prior to issuance of building permits, and any street tree planting or protection requirements.