

City of Madison, Wisconsin

REPORT OF: URBAN DESIGN COMMISSION

PRESENTED: April 11, 2018

TITLE: Creating Section 28.022 – 00324 of the Madison General Ordinances to change the zoning of properties located at 717-753 East Johnson Street, 2nd Aldermanic District, from TR-V2 (Traditional Residential – Varied 2) District to NMX (Neighborhood Mixed-Use) District. (Advisory Recommendation at the request of Ald. Zellers, 50758)

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Janine Glaeser, Secretary

ADOPTED:

POF:

DATED: April 11, 2018

ID NUMBER: 50758

Members present were: Richard Wagner, Chair; Tom DeChant, John Harrington, Cliff Goodhart, Lois Braun-Oddo, Rafeeq Asad, and Dawn O’Kroley.

SUMMARY:

At its meeting of April 11, 2018, the Urban Design Commission **GAVE AN ADVISORY RECOMMENDATION** for the rezoning of properties located at 717-753 East Johnson Street from TR-V2 District to NMX District. Appearing on behalf of the project was Thomas Miller, representing 700 East, LLC. Registered in support and available to answer questions were Melissa Huggins, Evelyn Freimann, and Pat McCabe, all representing 700 East, LLC. Registered and speaking in opposition were Patty Prime, David Waugh, Robert Klebba and Patrick Heck, representing the Tenney-Lapham Neighborhood Association. Miller shared the most recent plan revisions, having worked with the applicant, the neighborhood and stakeholders for two years. He reviewed the traffic and pedestrian circulation. He reviewed the property boundaries, the 3 buildings to be saved, two existing locations and one relocated from the center of the block. In discussions throughout the process, they decided not to mimic existing buildings, but to respond to the existing scale, massing and rhythm. The team reviewed 3D views of the proposed development, the streetscape into the center courtyard, which will have direct access to the commercial components, while raising residential component over the streetscape for activation. The massing and streetscape looked at what can be done to help the buildings blend more with the adjacent neighborhood buildings. There is a 45-degree stepback from the 2nd level. The materials are a lighter palette in a variety of lighter brick, stacked bond, wood looking aluminum flush siding. The base of the building is a stone product, with standing seam metal panel. Miller also reviewed the buildings that are proposed for deconstruction and relocation, and the benefits of the proposed development.

Patrick Heck spoke as the Chair of the Tenney-Lapham Neighborhood Association, reviewing key comments from the neighborhood.

Robert Klebba spoke in opposition as a nearby neighbor. These streets can be appropriate for residences. Two of the buildings slated for moving are unsuitable for habitation, there is concern that they can be rehabbed. Two

buildings slated for demolition have architectural features. He pointed out the neighborhood plan where this does not fit in, with some reference to expanding the business district. You are looking at a radical transformation to this streetscape; he does not recommend approval.

David Waugh spoke in opposition as a nearby resident who cannot support the proposal. The neighborhood does not support the proposal. This neighborhood has one of most robust design review guidelines. He was the chair for several years on the East Washington Avenue BUILD study. All the existing buildings are pre-1900. The Planning memo states a mixed-use building requires a go to detailed plan. This does not meet the language in the plan. He shared a printed photo example of a businesses in the neighborhood. This could be precedent setting. He is not afraid of big buildings, but it is important to protect the plan that is already in place.

Patty Prime spoke as the President of the Tenney-Lapham Neighborhood Association. She has worked with the team and appreciates modifications. Want to speak to design feeling.

Additional registrants did not speak. The area Alder was available for questions.

Kevin Firchow of the Planning Division highlighted the three areas they are requesting feedback on:

1. Building height;
2. Character and detailing;
3. The ground floor treatment adjacent to the residential properties. Currently it shows a wall.

The standards that most commonly refer to design issues would be 4, 9 and 12.

Comments and questions from the Commission were as follows:

- Standard 4: We've had similar proposals before us, multiple parcel proposals where the scale is so much larger than the existing development pattern, so I would find that the mass of this proposal impedes the normal and orderly development. Particularly because of the depth into the back of the parcel, and the opposite face of those single lots just absorbed into developments on the other side.
- The four-story height with how narrow the loft is does not bother me at all, I think it's totally compatible. The character I happen to like, classic modern design I think is quite compatible. We don't want to build stuff that looks old, I strongly endorse the character of design. The massing I do question, I note that the projections of the building towards the back lot line happen to be the 3-bedroom units, which the neighborhood also is encouraging in terms of family. If you were to reduce the mass of the building to give you relief from the lot line, you're also taking away the family units that the neighborhood wants. The ground floor wall, it's only 5-6-feet high for a portion and then goes down. If it opens up like that it gives the sense of a front porch more than a barrier to the neighborhood. I'm not opposed to it.
- (Alder Zellers) What is the height difference between the RPG building and this proposal, because in the illustration they looked to be about the same.
 - (Firchow) That was 3-stories, I think 36-feet as approved. This one is 4-stories and 45-feet.
- Regarding the depth, if it were not for the height we wouldn't be considering that at all?
 - The height is a conditional use, anything above three-stories in the NMX District requires conditional use approval.
- But if it were not for the height...
 - The depth would need to comply with zoning. There's the setback, and then there's the 45-degree angle. The Plan Commission could waive that, but otherwise it needs to meet that 20-foot setback. The footprint is within compliance. The number of units is also a conditional use.

- The package doesn't show what's on the other side of the backyard, what the uses are, the footprints of buildings, so you don't really have a sense of how the backyards work together. The context, that's the question of character which is one of the standards.
- (Alder Zellers) I can comment on that. There are 5 houses, most are rental, one is owner-occupied. There is an apartment building set back with front yard parking, which I don't think anybody finds particularly charming. There's also a house moved from Johnson Street through the block and now is on that rear lot that was made into rental units. The western corner of that block Michael Matty is building an apartment building that is essentially in two faces to mimic the style of houses on that block. At the other end of that block (eastern end) there is a house that faces Livingston Street that has had an addition put on the back to allow for increased density. There's also what I would call a parking lot I think owned by Reynolds.
- Is it the intent that these five houses you will repropotion the site and sell them again, or is that part of this entire development? I feel like the backyards of these buildings are really compromised by the driveway coming through and there's no greenspace anymore.
 - The five buildings on-site will be part of the entire overall development. They are included in the applicant as rental properties. They'll be the same number of apartments in these buildings as there are today. Currently the rear yard of those buildings at that end is a parking area, a gravel parking lot. That is the location where the drive will go to the below grade parking, there is currently proposed to be one parking stall per residential unit, plus the appropriate bike parking within that lower level area. The lot depth at that location is shorter than the adjacent properties. The foot print of the building meets what is allowable under the Zoning Code, determined by setbacks, the building envelope as well as the requirement for usable open space.
- So a 5-bedroom apartment only has one parking spot?
 - Yes, that meets the Zoning Code that we're trying to rezone to. The idea being that not every apartment would have a vehicle. Our presumption is this is actually more parking than necessary in this location because of the high quality of transit, bikeability and walkability.
- There is no landscape plan for the houses. Are there canopy trees you're able to salvage with all the shuffling of the houses?
 - The landscape plan does include the courtyard planting, at this location the perimeter buffer does plant through, we've intentionally left this as an open greenspace. There is planting proposed for the terrace as well, and trees to remain at the rear yard. This could be more densely landscaped here, there's nothing preventing that. We do have trees proposed along the rear yard.
- I agree with Tom that the height doesn't bother me too much, I don't mind the character of the architecture. I am concerned about the cementitious boards, it seems like batten.
 - It's actually fiber cement. There's no exposed battens.
- How far back it extends, because of the overhead lines it seems there are no opportunities for canopy trees, only small arborvitae. On the whole site.
 - The streetscape allows for planting of larger shade trees. The power will go underground. Existing trees will be replaced. There are several Honey Locusts at the rear of the lot.
- (Alder Zellers) If you could comment on how the far three houses (east) are able to get to the usable open space?
 - A mix of lower shrubs, taller Evergreen shrubs and some shade trees. That's an effort to replace some of what's there now, but it won't be exactly the same. Honey Locust, Hackberry, Arborvitae.
 - We had proposed a walkway along the rear yard of the houses to get to this walkway here, but we're currently relying on the sidewalk of these properties and then access a side yard walkway to get to the rear courtyard of the development. We felt it was more important to have a buffer between the adjacent property and the driveway being that there is a parallel opportunity for these residents to get to the courtyard than going through the backyard.

- That large canopy tree shown, going over the parking entrance, is that a neighbor's property that will be disturbed by construction?
 - The parking structure is setback from the property line, but I can't guarantee it won't be damaged. There will be an approach taken to do as little damage as possible.
- Those trees probably won't last. I like a lot about this project, the architecture is nice. I'm not convinced yet that it fits in the neighborhood, and it's not so much the height as it is the footprint. I think the footprint, if they were to collapse that a little bit so they'd have room for trees on the side lots and large trees in the front.
 - The street trees are up to the City.
- I think density is important, but density alone is going to increase heat island effects. You've got to mitigate that and we're not giving any breathing room at all. The footprint is more than the height, it doesn't fit in the neighborhood in part because you don't have any tree space. That's absent here. There's a lot of effort put into neighborhood plans, and it seems like we don't get a single project coming through here that doesn't want to exceed the neighborhood plan. We need to start thinking about how we want to deal with that, we can't just disregard those neighborhood plans.
- Question for Kevin: footprint seems to be one of the sticking points with this project. If the footprint is reduced, what's the ability to waive some of the height in the back so you could pick that up away from the street? Could you trade that kind of a thing?
 - (Firchow) If there was more height above the four-stories it would still be a conditional use, that would be something the Plan Commission could consider. In follow up to Cliff's question, there is a rezoning request as part of this, so when we talk about consistency it's with the proposed NMX zoning, which is what the applicant is requesting. Right now the property is zoned TR-V2.
- But the long-term use of this block may be consistent with NMX?
 - That's correct.
- I haven't heard how the back of the block can develop. I don't know if the applicant has a plan that shows the context of the block and how it would develop? Your neighboring parcels.
 - The majority of rear yards have between 50-90-foot buffers.
- Can we limit our focus here to the issues in the staff report related to height, the street experience and the material detailing. I'm not sure if that's what the Plan Commission is asking us to comment on, but if we can let them do their business with the density and other things, and let us comment on the things they sent it to us for...
- (Alder Zellers) I was the one who asked for your review. I would appreciate any insight you have on footprint that obviously has a big impact on the neighborhood and the project. We are in the process of looking at the Comprehensive Plan right now, we've been going through a lot in terms of future land use. One of the things that we've heard over and over again is the relationship of neighborhood plans to the Comprehensive Plan, and it has been emphasized that the neighborhood plans are what are looked to for developments in the area to be more specific than the Comprehensive Plan, and I would have to echo the comment that one of the disturbing things is it is seldom that we see any development proposal come in that honors or respects the neighborhood plans in terms of either height, density, whatever it is. In this particular case, the height I think is an issue because of the neighborhood plan. I would say that in terms of the design, I don't have a problem, as a matter of fact I kind of like it. But my problem is with this location and at the four-stories, we heard over and over and over (and that's not even enough "overs") that the developer would respect the three-story height limit. That's not what we're seeing, so I find that concerning. The issue that was raised in terms of greenspace and trees, we have lost so many trees in this neighborhood to Emerald Ash Borer primarily, but also to development, storms, and we have another in my view, tree issue here. I heard that looking to go through the property and up Livingston. I have reached out and have not yet heard back from our arborist on this, but Livingston has a pretty good tree canopy there, so how are we going to go up Livingston with two houses and not significantly impact that tree canopy? That's not necessarily this project but it's in the larger context of greenspace and the

character of the neighborhood. In the front, the distance from the terrace to the building would make it impossible for canopy trees to provide any kind of shade.

- Are you generally in agreement with the expansion of the NMX zoning toward the 700 Block as an eventuality in a long-term recommendation?
- (Zellers) Yes I am. Someone showed some 800 Block illustrations, NMX that are in character that are 3-stories, that are something I think this could evolve into. I would also look at some of the Willy Street restaurants that have gone in in some of the houses there that could retain the character while increasing businesses on the block. I do really appreciate that the developer has moved to retaining five homes on this block because I do think that helps with retaining that character and loss of greenspace.
- Staff had given us three brackets, I think we need at least four in my mind:
 - Character of design, generally people are pretty supportive of that.
 - The ground floor treatment, I haven't heard great objections to that.
 - Height, more are relatively comfortable with that.
 - The footprint/massing is the issue that seems most difficult about this project.
- If we have a motion it should address those four points.
- This applicant applying for new zoning, which this Comprehensive Plan is eventually going to go to.
- But it still has to meet conditional use standards for height and the neighborhood plan. The Comprehensive Plan is just one piece of the City's plan umbrella about making decisions.
- I feel like some neighborhoods want to evolve, but then they want to do it at the same scale, and you can't have increased density and have the same footprint, something has to give. If you want to increase density it has to grow.
- (Alder Zellers) You're right, something does have to give, but not everywhere. This neighborhood has been remarkable in terms of the increased density they have embraced. Various proposals have increased density by 50% since I became an Alder; I don't think you can say that about any other neighborhood in the City, and this neighborhood has supported all of those. In three instances either supported changing an ordinance to allow additional height, or a change to the neighborhood plan to allow for a very dense development. We're talking about multiple developments in this neighborhood since 2013.
- I think it should be kept in mind as part of this one parcel, it is preserving for the long-term five houses that do protect the neighborhood from future development of those houses. Half of the block is really benefitting from the density on the west side and the preservation of houses and restoration on the east side that should be considered when we talk about the overall footprint. It reads like a 3-story building, it really reads like a residential building with commercial retail on the first floor.
- Our positive recommendation of this project, which is not infill, it is disrupting a contiguous existing character that somehow has to be an intermediate between the high scale density on the edges and the low scale existing parcel development of single-family homes. Our approval of this does not say that those five houses aren't up next for redevelopment.
- (Goodhart) Given the statement that the long-term vision for the 700 Block is NMX, with the exception of the height this development meets a lot of conditional use standards for NMX, I would make a motion that the proposed design is appropriate for the 700 Block.
- (Asad) I'll second.
- What about footprint?
- It's more than just the footprint. The building is aesthetically nice but I'm not sure they fit the neighborhood context because it reads as a large mass, and the neighborhood doesn't have large masses like that. If they were to play with the massing, create greenspaces and add more trees, but they don't have that. This fits nicely along East Washington Avenue.
- When you talk about development in today's standards, it's not 20-30-foot wide parcels for buildings. You're going to lose those voids.

- We're not creating any space.
- It seems to me we have a motion that approves it with comments on the floor issues, or we have a motion that says we have reservations with at least one of those four issues. The motion before us is to approve without any reservations. Are you ready to vote on that or do you want an amendment or alternative?
- I'd request an amendment to the motion specific to point 4: we do not have the evidence here today to say that this will not impede the normal and orderly development of the surrounding property for uses permitted within the district. We just can't arrive at that finding today.
- If there is a reservation with the Commission about standard 4 because of the footprint, that that may have an effect on that standard.
- In the near-term.
- The Commission has reservations on meeting standard 4, that the development may impede the normal and orderly development of the surrounding properties because of the footprint and the lack of the ability to have a center block open space with canopy trees.
- (Harrington) I'll second.
- Once a motion is made it belongs to the body, and the body can make an amendment to an amendment.
- I would like to add to the amendment that it is within the context of the near-term growth goals.
- I would have to add also in context of the neighborhood plan, they have to go together.
- We have the main motion to approve. We have an amendment to that by Dawn to put a reservation about standard 4 because of the footprint, greenspace and trees. Cliff now wants to amend that language, which is pending before the body, to add "within the context of the near-term growth goals." He needs a second for that amendment at this point.
- (DeChant) I'll second that.
- So that amendment to the amendment is now before us as to whether or not we add that language. Discussion about that amendment to the amendment?
- All those in favor of that amendment, the amendment to the amendment? I see 2, 3. Those opposed? 1, 2, 3. The Chair has to vote: the Chair will vote for the amendment to the amendment, so that language is now part of the pending amendment, the amendment it still pending with its revised language before us. Further discussion about adding that to the main motion? Ready to vote on that amendment? All those in favor of the amendment as now revised, please signify by raising your hands. OK that's adopted unanimously. We now have the main motion as amended with the second amendment to the amendment, pending before the body.
- Can we get a reminder on the main motion?
- The main motion is to make the recommendation to approve but with the reservation about standard 4.
- (Harrington) I would make an amendment that we have reservations about sustained aesthetic desirability with the existing character of the neighborhood, particularly in relation to the neighborhood plan.
- (O'Kroley) I would second that.
- I want some clarity about that. It sounds like you're talking about the character of design which I don't think is your intent.
- It's massing and partly design, the design is how it's shaped and formed. It's not the façade, that's nice.
- It is a concern about the massing, not the modern design?
- It has nothing to do with the contemporary design, it's the context of this particular design in this neighborhood, and I don't think it carries the aesthetics of the neighborhood.
- That's now another amendment. Further discussion on that. All those in favor? 1, 2, 3. Those opposed: 1, 2, 3. In this case the Chair votes for the amendment so it is now the main motion with two amendments.

SUMMARY OF MOTION WITH AMENDMENTS:

The Commission has reservation on meeting standard 4, that the development may impeded the normal and orderly development of properties because of the footprint and lack of ability to have center block open space with canopy trees. Note that this approval is within the context of the near-term growth goals, with an additional amendment that there is concern about massing within the context of the design in the neighborhood character.

Further discussion:

- (Chair) Since we're a recommending body, it's a very qualified yes that we're suggesting to the actual determining body in this case, and we're raising the concerns that we have. We looked at the concerns in the staff report, we have reservations on a couple of them, but overall we think there's some merit.
- I would think if we could say we have reservations about 4, 9 but not 12, which is what they asked us about...
- Those were raised by staff.
- That sends a mixed message.
- I think it is a mixed message because the Commission is mixed.
- As a collective body is this the message we want to send to the request we got on the referral?
- I'm suggesting it might be stronger if we said we don't have a problem with the height.
- If there's unanimous consent that the Commission did not have concern about the height, we can add that language.
- But the motion was a simple statement.
- Any of those motions are subject to amendments. The motion we have crafted tries to get its arms around all the concerns.
- I don't think the motion she read says that.
- I don't have those same reservations so I don't want that language as part of anything I'm supporting.
- We usually don't have to come to a consensus.
- To me it would seem like it would be better to state what we agree on and what we have issues with.
- You can try a whole substitute motion. The main motion as amended is still pending before us, so you can make a motion to substitute another motion for that.
- (Harrington) I would make a substitute motion that we don't see in terms of the aesthetics of the buildings themselves, the height, we're in agreement that that works. But we have reservations about, or a mixed consensus on other issues.
- (O'Kroley) I'll second that, because we're just advisory, we don't have to agree.
- We don't have a problem with those three things in the staff report: the height, the detailing and the general character of the building and the sidewalk experience.
- Four and nine I have a problem with.
- Part of this is the issues raised in the report by staff focused on three things and my analysis of that is that there's really a fourth because they separate height and mass. That's the staff report, the actual body that's going to consider this has to weigh it against those standards.

The Urban Design Commission does not have a problem with the height of the proposal, the modern character of its design or the ground floor treatment along Johnson Street. There is a concern about standards 4 (within the near-term growth goals) and 9 of the conditional use standards.

ACTION:

A motion was made by Goodhart, seconded by Asad, to give an advisory recommendation, noting that the proposed design is appropriate for the 700 Block of East Johnson Street.

A motion for an amendment was made by O’Kroley, seconded by Harrington, noting that the Commission has reservations on meeting Conditional Use Standard No. 4. The amendment passed on a vote of (6-0).

A motion for an amendment was made by Goodhart, seconded by DeChant, noting that approving the project is within the context of the near-term growth goals. The amendment passed on a vote of (4-3), with Goodhart, DeChant and Asad voting in favor; Harrington, O’Kroley and Braun-Oddo voting in opposition; the Chair voting in favor to break the tie.

A motion for an amendment was made by Harrington, seconded by O’Kroley, to note that the Commission has reservations about sustained aesthetic desirability with the existing character of the neighborhood, particularly in relation to the neighborhood plan. The motion passed on a vote of (4-3), with O’Kroley, Harrington and Braun-Oddo voting in favor; Goodhart, DeChant and Asad voting in opposition; the Chair voting in favor to break the tie.

On a substitute motion by Harrington, seconded by O’Kroley, the Urban Design Commission does not have a problem with the height, modern character of design or ground floor treatment along Johnson Street. The Commission does have concerns regarding standards 4 (within the near-term growth goals) and 9 relative to massing and footprint. The motion was passed on a vote of (6-0).