



PREPARED FOR THE PLAN COMMISSION

Project Address: 216 South Pinckney Street (District 4- Ald. Verveer)
Application Type: Planned Development (PD) Rezoning and Conditional Use
Legistar File ID # [59306](#) and [58805](#)
Prepared By: Kevin Firchow, AICP, Principal Planner - Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant: Rich Arneson, Block 88 LLC; 1010 East Washington Avenue; Madison, WI 53703
Contact: Duane Johnson, Knothe Bruce Architects LLC; 7601 University Avenue; Middleton, WI
Owner: City of Madison - Parking Utility; 30 West Mifflin Street; Madison, WI 53701

Requested Actions: The applicant requests approval to rezone the subject property (“Block 88” – Judge Doyle Development) from Planned Development-General Development Plan-Specific Implementation Plan (PD-GDP-SIP) to Amended PD-GDP-SIP. The request also includes a request for a conditional use alteration to amend the projections into the Capitol View Preservation Height Limit.

Proposal Summary: In 2017, the Common Council approved Planned Development zoning to allow the development of the “Judge Doyle” development comprised of the subject property (Block 88) and the property across South Pinkney Street (Block 105). In 2018, alterations were approved to Block 88 which modified the exterior materials and clarified project phasing. Phase I, referred to as “The Podium,” is currently under construction and no modifications are proposed to that phase. That phase includes approximately 560 below-grade parking stalls to be operated by the Madison Parking Utility and an additional above-grade 144 parking stalls that would be utilized by the subject development. Additionally, there is approximately 8,000 square feet of ground-floor commercial space.

With this request, the applicant proposes to make modifications to the project’s Phase 2, consisting of the building’s upper nine-stories. The applicant proposes to increase the allowed number of dwelling units from 148 to 162. Proposed physical modifications include the reconfiguration of the upper level mass and modifications to the exterior materials, going from a glass curtain wall system, to a combination of metal panels and masonry.

The request also includes a conditional use alteration to approve modified mechanical and elevator projections in to the Capitol View Preservation Height Limit. The proposal reduces the overall height and mass of this projection from what was originally approved in 2017, which included a maximum projection up to 16 feet in height. The current proposal has a maximum projection of approximately 10 feet.

No changes are proposed at this time to the Block 105 component of Judge Doyle Development, across the street at 223 South Pinkney Street.

Applicable Regulations & Standards: This proposal is subject to the standards for Zoning Map Amendments [MGO §28.182(6)] and Planned Developments [MGO §28.098(2)].

Review Required By: Urban Design Commission, Plan Commission, and Common Council

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards for Zoning Map Amendments and Planned Developments are met and forward the following Zoning Map Amendments 28.022-00420 and 28.022-00421 to the Common Council with a recommendation of **approval**. The Planning Division further recommends that the Plan Commission find that the applicable standards are met and approve the conditional use alteration to amend projections into the Capitol View Preservation Height limit. These recommendations are subject to input at the public hearing and the comments and conditions contained within the Plan Commission materials.

Background Information

Parcel Location: The subject property is a portion of Block 88, bounded by East Wilson, East Doty, and South Pinckney Streets. The site is adjacent to the Madison Municipal Building, a City Landmark, and is also within Aldermanic District 4, Tax Incremental Finance District (TID) 25, and the Madison Metropolitan School District.

Existing Conditions and Land Use: Block 88 includes the Madison Municipal Building and the subject property. Phase I of that development is approved and under construction.

Surrounding Land Use and Zoning:

North: Mixed-use and office development, zoned PD (Planned Development) and DC, Downtown Core;

South: Apartment and office building, zoned DC and PD;

East: Block 105, Government East Parking Structure, approved for demolition and redevelopment, Zoned PD;

West: Madison Municipal Building and City County Building, zoned DC.

Adopted Land Use Plan: The Comprehensive Plan (2018) (Links to: [Part 1](#), [Part 2](#), and [Part 3](#)) recommends “Downtown Core” uses including a wide variety of employment, service, retail, government, residential, and other uses in large scale buildings that comprise the most intensely developed part of the City. Recommended Uses include offices, mixed-use buildings and structured parking. The more specific Downtown Plan (2012) similarly includes the subject site within the Downtown Core District. That Plan identifies this district as the center of Downtown and notes that it should generally possess the highest intensity of development including a mix of office, employment, retail and other uses.

Zoning Summary: The applicant proposes zoning the property to amended PD-GDP-SIP district.

Requirements	Required	Proposed
Lot Area (sq. ft.)	As per approved plans.	As per submitted plans.
Lot Width	As per approved plans.	As per submitted plans.
Front Yard Setback	As per approved plans.	As per submitted plans.
Side Yard Setback	As per approved plans.	As per submitted plans.
Rear Yard Setback	As per approved plans.	As per submitted plans.
Usable Open Space	As per approved plans.	As per submitted plans.
Maximum Lot Coverage	As per approved plans.	As per submitted plans.
Floor Area Ratio	As per approved plans.	As per submitted plans.
Building Height	As per approved plans.	As per submitted plans.

Zoning Summary Table, Continued.

Site Design	Required	Proposed
Number Parking Stalls	As per approved plans.	148 private parking stalls
Accessible Stalls	Yes	Yes
Loading	As per approved plans.	Existing loading dock
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (162) 1 guest space per 10 units (16) (178 total)	17 guest 162 garage (179 total) (See Comment #8)
Landscaping and Screening	Yes	Yes (See Comment #9)
Lighting	Yes	Yes
Building Forms	As per approved plans.	As per submitted plans.
Other Critical Zoning Items	Urban Design, Adjacent to Historic Landmark, Barrier Free (ILHR 69); Utility Easements; Wellhead Protection District 17	

Table by Jenny Kirchgatter, 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.

Previous Land Use Approvals and Project History

On May 2, 2017 the Common Council approved the rezoning of the subject property to Planned Development-General Development Plan-Specific Implementation Plan (PD-GDP-SIP). On the subject site, this approval allowed for the development of a 12-story mixed-use building with approximately 8,000 sq. ft. of retail, a bike center, 148 apartments, 144 above-grade parking stalls, and approximately 560 underground parking stalls to be operated by the Madison Parking Utility. A conditional use was also approved to allow limited projections into the Capitol View Preservation area.

The Common Council concurrently approved Planned Development zoning for Block 105, the site immediately across Pinckney Street which included two 12-story buildings. The Pinckney Street-facing building included a hotel with one level of underground parking. An alteration was subsequently approved in 2019, removing the underground parking level. The second building included 204 apartment units and 204 underground parking stalls. No changes to Block 105 are included in this application.

On October 16, 2018, the Common Council approved alterations on the subject site, including more detailed phasing information. A revised Specific Implementation Plan (SIP) was approved for the building’s “Podium,” consisting of all development through the third story. This phase is under construction. Other modifications included modifications to the “Podium’s” exterior materials and modifications to bicycle parking. No changes were approved to the building’s upper nine stories at that time.

Project Description

The applicant requests approval of a zoning map amendment to modify the site’s Planned Development (PD) Zoning. Alterations are requested to both the General Development Plan (GDP) and Specific Implementation Plan (SIP) components of the PD. A conditional use alteration is also requested to modify (reduce) the mechanical and elevator projections into the Capitol View Preservation Height Limit.

In regards to dwelling units, the applicant proposes to modify the unit count as follows:

	2017 Approval	Current Proposal
Efficiency/Studio Units	32	26
One Bedroom Units	90	92
Two Bedroom Units	26	44
TOTAL	148	162

In regards to housing affordability, the application states that 20 of the dwelling units will have rents set at 60% of the County Median Income (CMI), with an additional 17 units being set aside at 80% of the CMI. The applicant’s letter of intent states that these units will be distributed throughout the building.

While no physical changes are proposed to the site plan or lower levels, this request includes several design alterations to the building’s upper nine floors. This includes a modified floor plate and floor plans, which are larger than what was approved in 2017. The letter of intent states that the fifth floor (the lowest level of this phase) is approximately 3,250 square feet larger, with upper levels each approximately 1,550 feet larger than what is currently approved. A curved building form remains along Pinckney Street, though the remaining sides of the buildings are generally more squared off. Drawing A-0.0 depicts the general extent of these changes and shows that while the upper levels are larger, more of the building’s mass is pulled away from adjacent Madison Municipal Building, which is an approved Landmark.

In regards to exterior materials, the existing building was primarily a glass façade. The current proposal is largely clad in metal panels, with masonry elements added where the additional weight can be supported by the building’s structural system.

In regards to usable open space, the fifth floor includes a shared amenity room and a roof deck. In addition, 122 of the 162 units have individual balconies.

The request also includes a conditional use alteration to approve modified mechanical and elevator projections in to the Capitol View Preservation Height Limit. The proposal reduces the overall height and mass of this projection from what was originally approved in 2017, which included a maximum projection up to 16 feet in height. As currently proposed, the mechanical screen is just under 10 feet above the Capitol View Preservation Height Limit. It has an area of approximately 149 by 24 feet, covering a calculated area of 3,576 square feet. At the request of staff, the applicant has prepared a supplemental “long view” study, providing illustrations of five additional views of this projection and the relationship to the Capitol.

Analysis and Conclusion

This proposal is subject to the standards for Zoning Map Amendments [MGO §28.182(6)] and Planned Developments [MGO §28.098(2)]. The analysis below begins with a summary of the adopted plan recommendations.

Conformance with Adopted Plans

The Comprehensive Plan (2018) (Links to: [Part 1](#), [Part 2](#), and [Part 3](#)) recommends “Downtown Core” uses including a wide variety of employment, service, retail, government, residential, and other uses in large scale buildings that comprise the most intensely developed part of the City. The more detailed Downtown Plan (2012) similarly includes the subject site within the Downtown Core District. That Plan identifies this district as the center of Downtown and notes that it should generally possess the highest intensity of development including a mix of office, employment, retail and other uses. The Downtown Plan also recognizes the subject site as a potential redevelopment area. The recommended maximum height is “Capitol View.”

Zoning Map Amendment Standards

The Planning Division believes that the Zoning Map Amendment Standards can be found met. These standards are relatively broad and 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 also 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.” Staff believes that a finding of consistency can be made in regards to this request.

Planned Development (PD) Standards

The Planning Division believes that the revisions to this approved Planned Development Standards can be found to meet the Planned Development standards. Planned Developments are established as a voluntary regulatory framework to facilitate unique development to encourage high-quality architecture and materials and development that is sensitive to environmental, cultural, and economic considerations. In order to approve a Planned Development, the standards of Section 28.098 must be found met. Staff believes such a finding can be made.

Conditional Use Standards

The applicant seeks a conditional use alteration for revised projections into the Capitol View Preservation area. The Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plans and finding that all of the conditional use standards of §28.183(6) MGO are met.

Under State Statute and Madison General Ordinance (MGO), certain projections are permissible into the Capitol View Preservation area, if approved by the Plan Commission as a conditional use. The Zoning Code states the following in regards to Capitol View Preservation:

MGO 28.134(3): No portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or one

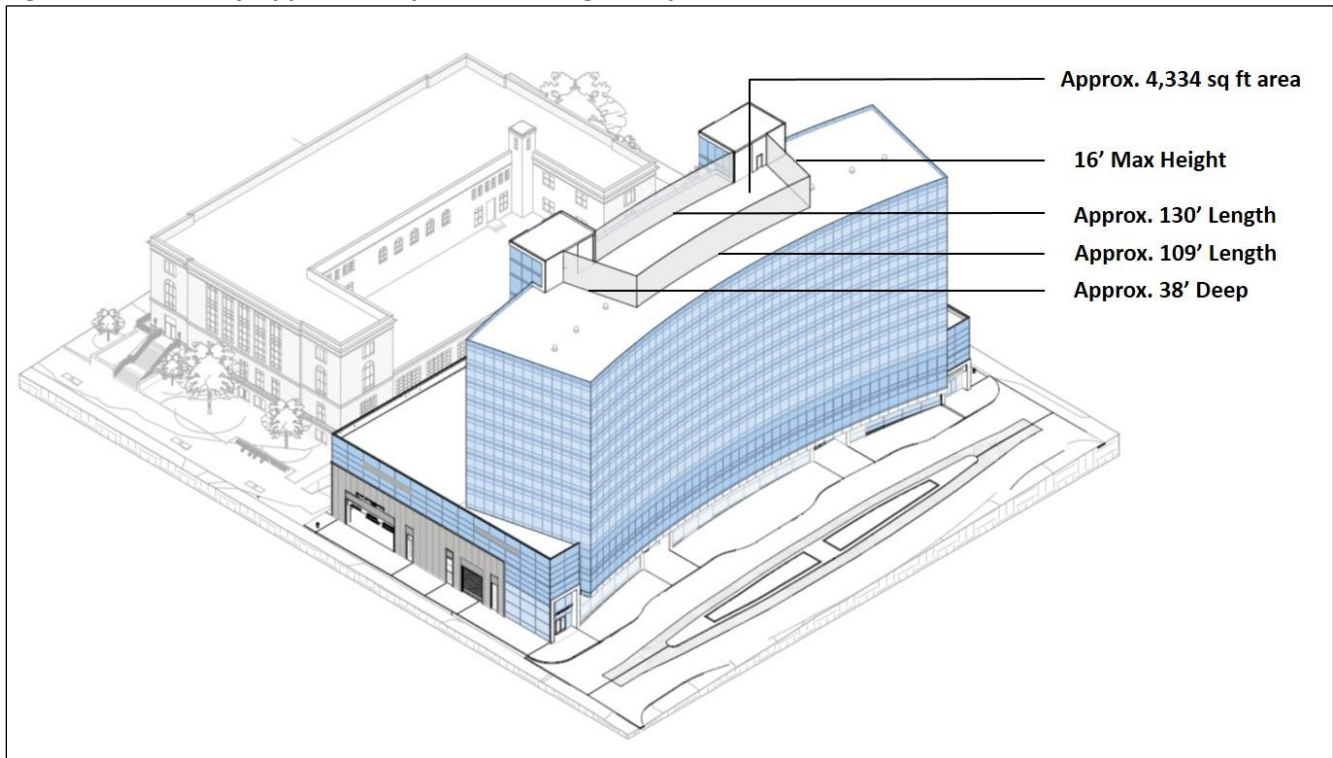
hundred eighty-seven and two-tenths (187.2) feet, City datum. Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment and chimneys exceeding such elevation, when approved as conditional uses. For the purpose of this subsection, City datum zero (0.00) feet shall be established as eight hundred forty-five and six-tenths (845.6) feet above sea level as established by the United States Coast and Geodetic Survey.

In 2019, the Common Council approved a new, specific conditional use standard specifically related to evaluating proposed projections which states:

MGO 28.183(6)17: When applying the above standards to an application for allowable projections into the capitol view height area, the Plan Commission shall only approve the projection if it determines the encroachment is the minimum necessary and does not significantly impact the long views of the State Capitol building.

A conditional use for a larger projection was approved by the Plan Commission in April 2017 allowing for up to a 16-foot projection into the Capitol View Preservation limits. That approval was conditioned upon the height of the screening being the minimum height necessary to screen equipment. In addition to the elevator penthouses, the mechanical screening area was approved up to an area of approximately 4,334 square feet. The following graphic and dimensional information are from the plans presented to UDC dated June 13, 2017. As a reference, the top of the main building parapet wall was approved right at the Capitol View Preservation Height Limit.

Figure 1. Previously Approved Capitol View Height Projections – 2017



In comparison, the ***current proposal*** reduces the height and mass of the approved projection depicted above. As currently proposed, the mechanical screen height has a height of just under 10 feet above the Capitol View Preservation Height limit. It has an area of approximately 149 by 24 feet, covering a calculated area of 3,576 square feet.

In considering the surrounding context, staff notes that taller projections into the Capitol View Height limit have been approved as conditional uses. Immediately across the subject site on Doty Street, the Block 89 development includes two such projections. The square-facing building includes a projection approved at just over 16 feet in height, covering an area of approximately 39 by 45 feet. The second projection is adjacent to Doty Street, immediately across from the current development. That projection was approved at 16 feet above the limit, covering an area of 53 by 78 feet, though the actual resulting area measures approximately 30 by 40 feet based on analysis of aerial photography. Immediately south of the site, across Wilson Street, the Hilton Hotel development includes an approximate 13 foot projection that covers an approximate area of 26 by 40 feet.

At the request of staff, the applicant has prepared a supplemental “long view” study, providing illustrations of five additional views of this projection and the relationship to the Capitol.

Considering the previous approval for a larger encroachment, the reduction in height and mass, as well as a favorable recommendation from the Urban Design Commission, staff believes the conditional use standards can be found met.

Recommendation of the Landmarks Commission

As the subject site is adjacent to a landmark building, Section 28.144 of the Zoning Code requires that the Landmarks Commission provide an advisory finding to the Urban Design and Plan Commissions to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site.

At its meeting on October 14, 2019, the Landmarks Commission reviewed, in accordance with the provisions of the Zoning code related to development adjacent to a landmark, the plans to construct a new development at 216 S Pinckney Street. The Landmarks Commission found that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark.

Recommendation of the Urban Design Commission

The Urban Design Commission (UDC) is required to make a recommendation to the Plan Commission with specific findings on the Planned Development design objectives listed in subsections 28.098(1) and (2) and the other requirements of that subchapter.

At their February 12, 2020 meeting, the UDC provided a recommendation of final approval, with no formal recommended conditions of approval noted in that motion. Their motion also noted that the UDC did not find that the revised rooftop projections would have an adverse impact on long views of the Capitol.

Public Input

At the time of report writing, the Planning Division had not received any comments on this request.

Conclusion

The Planning Division believes that the applicable standards for Zoning Map Amendments and Planned Developments can be found met. Staff notes that the project has received favorable recommendations from the Landmarks Commission and Urban Design Commission as noted in this report.

Recommendation

Planning Division Recommendation (Contact Kevin Firchow, (608) 267-1150)

The Planning Division recommends that the Plan Commission find the standards for Zoning Map Amendments and Planned Developments are met and forward the following Zoning Map Amendments 28.022-00420 and 28.022-00421 to the Common Council with a recommendation of **approval**. The Planning Division further recommends that the Plan Commission find that the applicable standards are met and approve the conditional use alteration to amend projections into the Capitol View Height limit. These recommendations are subject to input at the public hearing and the comments and conditions contained within the Plan Commission materials.

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

Planning Division (Contact Kevin Firchow, (608) 267-1150)

1. No HVAC “wall-pack” penetrations/louvers are shown on the street-facing facades. Unless specifically approved by the Plan Commission, the addition of wall packs on street-facing walls is not included in this approval and will require approval of an alteration to this Planned Development should they be proposed at a later time.
2. The dimensions of the overall elevator and mechanical overruns are specified in the submitted plan sets. This height of the screening walls shall be the minimum height necessary to screen equipment. Note that an increase in the height or the area beyond what is shown in the approved plans will require consideration of either a minor (administrative) or major alteration to this approval, depending on the scope of the changes.

City Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

3. The Condominium Plat application for this project shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction.
4. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan for each floor on a separate sheet for the development of a complete interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the application submittal for the final Site Plan Approval with Zoning. The approved Addressing Plan shall be included in the final application.
5. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

Traffic Engineering (Contact Sean Malloy, (608) 266-4097)

6. This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on E. Doty Street and E. Wilson Street will be granted for construction purposes.

Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

7. Work with Zoning and Planning staff for final approval of the Zoning text for the Phase 2 SIP.
8. Bicycle parking for the residential dwelling units shall comply with City of Madison General Ordinances Sections 28.141(4)(g) Table 28I-3 and 28.141(11). A minimum of 162 resident bicycle stalls are required plus a minimum of 16 short-term guest stalls. Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike rack to be installed.
9. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
10. 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.
11. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Madison Fire Department (Contact Bill Sullivan, (608) 261-9658)

12. The project shall maintain the previously approved fire department access lanes. Shortening the aerial access on Wilson Street will not be acceptable.

Parks Division (Contact Kathleen Kane, (608) 261-9658)

13. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the East Park -Infrastructure Impact Fee district. Please reference ID# 17114.2 when contacting Parks about this project.

Forestry Review (Contact Bradley Hofmann, (608) 267-4908)

14. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann - bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester prior to the approval of the site plan.
15. 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 prior to the start of construction. 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/2018/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

The following agencies reviewed this request and had NO recommended Approval Conditions:

- **City Engineering Division** (Contact Brenda Stanley, (608) 261-9127)
- **Water Utility** (Contact Adam Wiederhoeft, (608) 266-9121)
- **Metro Transit** (Contact Tim Sobota, (608) 261-4289)