



PLANNING DIVISION STAFF REPORT

July 27, 2020

PREPARED FOR THE PLAN COMMISSION

Project Address: 502-516 W Washington Avenue & 8-14 N Bassett Street (District 4 - Ald. Verveer)
Application Type: Demolition Permit & Planned Development (PD) Zoning Map Amendment
Legistar File ID #: [60673](#) & [60915](#)
Prepared By: Sydney Prusak, AICP Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: David Keller; Keller Development, LLC; 448 W Washington Avenue; Madison, WI 53703
Contact: Dough Hursh; Potter Lawson, Inc.; 749 University Row, Suite 300; Madison, WI 53705
Property Owner: CJK, Inc.; 448 W Washington Avenue; Madison, WI 53703

Requested Actions: The applicant requests the following approvals: 1) Approval of demolition permits to demolish nine (9) residential buildings; and 2) Approval of a Zoning Map Amendment to rezone the property located at 502-516 W Washington Avenue and 8-14 N Bassett Street from Downtown Residential – 2 (DR-2) Zoning District to Planned Development – General Development Plan (PD-GDP) and PD – Specific Implementation Plan (PD-SIP).

Proposal Summary: The applicant requests approval of demolition permits and approval of a Zoning Map Amendment to rezone property located at 502-516 W Washington Avenue and 8-14 N Bassett Street from Downtown Residential – 2 (DR-2) to Planned Development – General Development Plan (PD-GDP) and Planned Development – Specific Implementation Plan (PD-SIP) all to allow the demolition of nine (9) residential structures and construction of a new six (6) story 200,300-gross-square foot mixed-use building with approximately 2,300-square-feet of commercial space, 103 residential apartment units, and 98 covered parking stalls (two-levels). Standing at four stories along W Washington Avenue and N Bassett Street, the remaining two stories will be step-backed 30 feet from the front of the building along W Washington Avenue and 10 feet from N Bassett Street. There will be a rooftop deck for residents at the fifth floor overlooking West Washington Avenue. Construction is anticipated to begin fall of 2020, with anticipated completion in spring of 2022.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition Permits [MGO §28.185], Zoning Map Amendments [MGO §28.182], and Planned Developments [MGO §28.098].

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

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for Demolition Permits, Zoning Map Amendments, and Planned Developments are met and approve the demolition requests and forward the Zoning Map Amendment ID 28.022-00448, rezoning 0.81 acres of land located at 502-516 W Washington Avenue and 8-14 N Bassett Street from Downtown Residential – 2 (DR-2) to Planned Development (PD), as well as Planned Development – General Development Plan (PD-GDP) and Planned Development – Specific Implementation Plan (PD-SIP) to the Common Council with a recommendation of **approval**. These recommendations are subject to input at the public hearing and the conditions from reviewing agencies.

Background Information

Parcel Location: The 35,438-square-foot (0.81 acre) proposed subject parcel is located at the northwest corner of the intersection of W Washington Avenue and N Bassett Street. The site is within Aldermanic District 4 (Ald. Verveer), as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The proposed subject parcel is currently comprised of nine residential lots, with individual two and two-and-one-half story, two-family residences developed on each existing parcel at 504, 506, 510, 512, 514, and 516 W Washington Avenue and 8, 10, and 14 N Bassett Street. The existing lots are all zoned Downtown Residential – 2 (DR-2) District.

Surrounding Land Uses and Zoning:

- Northwest: Single, two-family, and three-family residences, ranging from 1.5 stories to 2.5 stories, zoned Downtown Residential – 2 (DR-2), with a two-story commercial building at the W Mifflin Street intersection (Mifflin Street Community Coop);
- Northeast: Across N Bassett Street are multi-family residences ranging from two-units to four-units, zoned DR-2;
- Southwest: Across W Washington Avenue are single-family, two-family, and three-family residences, ranging from 2 to 2.5 stories, zoned DR-2; and
- Southeast: A three-story, five unit apartment building and two-family residences, zoned DR-2.

Adopted Land Use Plans: The [Comprehensive Plan \(2018\)](#) recommends Medium Residential uses, classified as buildings between two to five stories and between 20 and 90 dwelling units per acre (du/ac). The [Downtown Plan \(2012\)](#) contains specific recommendations for the 400 and 500 blocks of West Washington, as they “have a special character that is different from either the Mifflin district to the north or the Bassett district to the south, although it shares attributes with both and serves as the transition between them.” A primary recommendation for this area was to “Prepare a detailed development concept plan, design standards, and a comprehensive implementation strategy to guide future redevelopment.” This recommendation was achieved through the recently adopted [Mifflandia Plan \(2019\)](#), which provides detailed design guidelines for all new development in the area. In keeping with the Downtown Plan, which includes the proposed site in “Additional Height Area C” and allows buildings up to six stories if select criteria are met, the Mifflandia Plan recommends up to six-story buildings along this block face, if specific design requirements are met. Additional Plan recommendations, from both the Downtown Plan and Mifflandia Plan, are included in the Analysis Section of this report.

Zoning Summary: The property will be zoned PD (Planned Development).

Bulk 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 Downtown Height Map: 4 stories	6 stories (37)

Stepback	As per Downtown Stepback Map: 30' above 4 stories	30' stepback (38)
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Site Design	Required	Proposed
Number Parking Stalls	As per approved plans	99
Accessible Stalls	Yes	4
Loading	As per approved plans	As per submitted plans
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (103) 1 guest space per 10 units (10) General retail; service business; office: 1 per 2,000 sq. ft. floor area (2 minimum) (115 total)	103 underground 10 surface (113total) (39)(42)(43)(44)
Landscaping and Screening	Yes	Yes
Lighting	Yes	Yes
Building Forms	As per approved plans	As per submitted plans

Other Critical Zoning Items	Urban Design (PD Zoning); Utility Easements
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Tables prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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

Public Utilities and Services: This property is served by a full range of urban services. Regarding Metro Transit, there is a bus stop adjacent to the site along W Washington, with multiple routes serving the proposed development.

Project Description

The applicant seeks to demolish nine (9) existing two-family structures in order to construct a six-story, 200,300-gross square-foot, mixed use building with approximately 2,300-square-feet of commercial space, 103 residential apartment units, 99 covered parking stalls (two-levels), and a second floor outdoor patio space. Standing at four-stories along W Washington Avenue and N Bassett Street, the remaining two-stories will be recessed between 30 and 45 feet from the face of the building along W Washington Avenue and 10 feet along N Bassett Street. Proposed dwelling units range in size from 463-square-feet to 1,366-square-feet and include 21 studio units, 62 one-bedroom units, and 20 two-bedroom units. Plans show that the ground floor residential units (3 one-bedrooms) will have individual entrances with direct access out to W Washington Avenue. In terms of usable open space, there is an approximately 2,700 square-foot common rooftop patio/terrace space located on the second floor and many of the units will have private balconies, most notably the corner units on the fifth floor, which will have private rooftop deck spaces. The commercial space will be located at the southeast corner of the building and will have frontage along both W Washington Avenue and N Bassett Street.

In regards to building design and materials, the proposed structure will be “H” shaped, which creates two open courtyard roof terraces. The terrace along W Washington will serve as a common area for residences, while the terrace along the rear of the building will act primarily as a green roof, with only four units having direct access to this space. According to the letter of intent, the “H” shaped building creates two separate masses along W Washington Avenue. The submitted materials show a white brick building base, with the top two floors clad in gray siding, with black metal accents throughout.

In regards to access and site circulation, the applicant is proposing two driveway entrances to the underground parking area – one off N Basset Street and one off W Washington Avenue. In an effort to preserve a large canopy tree along W Washington Avenue, the applicant is proposing a curved driveway to limit the potential impacts on the existing tree.

As with all Planned Development, this request includes a site-specific zoning text is included in the Plan Commission materials. Most notably is the statement of purpose, which states that, “Planned Development Zoning is required in order for the project to better follow the guidelines in the recently adopted Mifflandia Neighborhood Plan.”

Project Analysis & Conclusion

This proposal is subject to the standards for Demolition Permits [MGO §28.185], Zoning Map Amendments [MGO §28.182], and Planned Developments [MGO §28.098].

Conformance with Adopted Plans

The [Comprehensive Plan \(2018\)](#) recommends Medium Residential (MR) uses, classified as buildings between two to five stories and between 20 and 90 dwelling units per acre (du/ac). According to the adopted plan, “MR areas may include a variety of relatively intense housing types, including rowhouses, small multi-family buildings, and large multi-family buildings. MR areas should be interconnected with surrounding development as part of a complete neighborhood and should be transit oriented. MR areas can provide both rental and owner occupied housing, and ideally provides options for people of all ages who wish to live within a neighborhood. Special attention must be paid to the design within MR areas where the uses adjoin less intense residential development – architectural features such as stepbacks may be needed to transition MR development to less intense surrounding development.” Staff notes that the surrounding properties along West Washington Avenue are also recommended for MR development.

More detailed recommendations are included in the [Downtown Plan \(2012\)](#). The subject site is within the West Washington District, which the Plan states that, “The West Washington district is proposed primarily for residential uses – especially on the upper floors. Neighborhood-serving mixed-use development should be located primarily at the ends of blocks, but West Washington is not intended to become an employment or large retail district.” The Plan also states that, “West Washington Avenue is also an important gateway to the Capitol and Downtown Core, and design standards and streetscape improvements are recommended to maintain and enhance the special visual character of these blocks. Of particular importance to this character is the grand appearance created by the consistent building setbacks, wide terraces and large canopy trees, and these features should be maintained as public amenities as redevelopment occurs. Driveway openings along this frontage should be minimized and use of the terrace for vehicle pull-outs or other private activities should not be allowed.” Objective 4.4 and supporting recommendations 83-87 pertain specifically to the subject area. Staff notes the following two recommendations, as they are especially relevant to the proposed development:

***Recommendation 86:** Restrict vehicle pull outs, wide driveways and street facing garages or parking areas on the West Washington Avenue frontage, and encourage cooperative solutions to vehicle access and parking, including underground parking and shared parking, to reduce driveway cuts and facilitate development of larger footprint buildings.*

Recommendation 87: Prepare a detailed development concept plan, design standards, and a comprehensive implementation strategy to guide future redevelopment. Recommendations may include building form as well as streetscape design standards to help create a distinctive urban character and sense of place. This plan should be prepared as soon as possible and be adopted prior to a comprehensive rezoning of the area to implement these recommendations.

An excerpt from that Plan is included in the Plan Commission materials. Lastly, the Downtown Plan (2012) includes the proposed site in “Additional Height Area C”, which allows buildings up to six stories if select criteria are met.

Even more detailed recommendations for the subject site, and surrounding area, are included in the recently adopted [Mifflandia Plan \(2019\)](#). Notable and applicable recommendations include, but are not limited to, the following:

- *That any mass above four (4) stories shall be designed to complement the overall building design and use compatible materials, character, and design elements (EIFS is prohibited);*
- *That new developments provide a 20-foot setback from W Washington Avenue and that upper levels above four (4) stories shall be stepped back 30 feet from the building face on W Washington Avenue and 10 feet on north-south facing frontage;*
- *That corner developments provide driveway access from north-south streets;*
- *That all ground floor residential units facing the street shall have their own street entrance and all street facing residential entrances shall include a sizable, usable front stop or patio;*
- *That recessed balconies should be opted for where possible because they provide better privacy, weather protection, and better articulation and façade depth than cantilevered;*
- *That buildings wider than 33 feet shall be divided into vertical intervals and incorporate articulation, design, and massing to respond to the historic 33 feet wide lot rhythm through the utilization of program elements such as storefronts, cafés, porches or balconies, arcades, awnings, window bays, and other methods; and*
- *Substantial vegetative cover (green roof) or blue roofs are encouraged.*

In regards to the adopted Plans, staff believes that this proposal generally conforms to most of the recommendations, but there are a few inconsistencies worth noting.

The proposed development will have a unit density of approximately 127 du/ac. This is above the recommended density range for MR (20-90 du/ac), but staff does not believe that the additional density on W Washington Avenue is necessarily out of scale, given the recommendations in the Downtown and Mifflandia Plans. The proposal meets the height recommendations and setbacks requirements for this area. Furthermore, the proposed development is along major bus routes and is located less than a mile from the Capitol Square.

In terms of the Downtown and Mifflandia Plan recommendations, the Planning Division is concerned with the proposed driveway on W Washington Avenue. Staff believes that having two driveways to serve the underground parking area is in conflict with the Downtown Plan recommendation that “Driveway openings along this frontage [W Washington] should be minimized and use of the terrace for vehicle pull-outs or other private activities should

not be allowed” and the Mifflandia recommendation that “Corner developments provide driveway access from north-south streets.” As such, the Planning Division recommends a condition of approval limiting driveway access to N Bassett Street only. Staff believes that one driveway/garage entrance can adequately serve the development, and does not believe that the wide terraces along W Washington should be compromised as a result of this proposal. While it can be argued that the applicant is reducing the number of curb cuts along W Washington from three to one, the Planning Division believes that because there is only one building on the site, compared to the nine existing, it only needs one driveway.

Lastly, while the proposed setbacks and stepbacks for the primary building mass comply with the applicable Plan recommendations, the projecting balconies on the sixth floor are in direct conflict with the Zoning Ordinance as they project into the stepback. As such, the projecting balconies into the stepback are not allowed, and if the applicant wants to keep them as part of the development proposal, the Zoning Administrator has confirmed that they will need to pursue a variance through the Zoning Board of Appeals (ZBA).

Therefore, staff believes that this proposal can conform to most of the Plan recommendations if the W Washington Avenue driveway and sixth floor balconies are removed. Staff believes that the applicant fulfills many of the goals in the Mifflandia Plan, especially in regards to the public-private transition, architectural design, and sustainability efforts.

Demolition Standards

In order to approve a demolition request, the Plan Commission must find that both the requested demolition and the proposed future use are compatible with the purpose of the demolition section of the Zoning Code and the intent and purpose expressed in the Planned Development (PD) Zoning District. A copy of the statement of purpose is included in the Plan Commission materials. The purpose of the demolition section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving the buildings.

The demolition standards state that the Plan Commission shall consider and may give decisive weight to any relevant facts including impacts on the normal and orderly development of surrounding properties and the reasonableness of efforts to relocate the building. The demolition standards also state that the proposed uses should be compatible with adopted plans, which is discussed above.

Finally, the demolition standards state that the Plan Commission shall consider the report of the City’s Historic Preservation Planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.

The nine buildings proposed for demolition are all two-unit structures and are either two or two-and-one-half stories tall. They were all constructed between the years 1885 and 1905. Exterior and interior photos of the residences proposed for demolition are available on the City’s Legislative File Center [here](#).

The Landmarks Commission reviewed the proposed demolitions at its June 1, 2020 meeting. A full copy of the Landmarks Commission’s report is attached with an excerpt of the report, below:

"[Preservation Planner Heather Bailey] said that of the properties, there are preservation files for three of them, including 510 W Washington Avenue which was a Claude and Starck design. She said that 10 N Bassett Street and 14 N Bassett Street also have preservation files and speak to a period of time where working class professionals were able to afford residences of this style..... Andrzejewski said that overall, there appears to be a loss of integrity to quite a few of the buildings and asked if Kaliszewski would say that as a group, the collection of buildings is what makes them significant. Kaliszewski agreed and said that they don't necessarily individually rise as landmarks by themselves, however the Landmarks Commission has slowly been reviewing these nodes of significance individually, but one could argue that they retain integrity as a group.

A motion was made by Kaliszewski, seconded by McLean, to recommend the Plan Commission that the buildings at 504, 506, 510, 512, 514, and 516 W Washington Avenue and 8, 10, and 14 N Bassett Street, have historic value related to the vernacular context of Madison's built environment, but the buildings themselves are not historically, architecturally, or culturally significant. The motion passed by voice vote/other.

In reviewing the proposed demolition permits, the Planning Division believes that the proposed demolitions are consistent with the recommendations in the Mifflandia Plan, and none of the structures are listed as potential historic resources in that Plan.

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."

Planned Development Standards

According to MGO §28.098, The Planned Development (PD) District provides a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials. In addition, the PD Zoning District intends to encourage sustainable development; promote integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas, with enhanced pedestrian, bicycle and transit connections and amenities; preserve and enhance environmental features through careful and sensitive placement of buildings and facilities; provide more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques; and facilitate high-quality development consistent with the goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

The PD district is intended only for use in situations where none of the base zoning districts address the type of development or site planning proposed. Examples include redevelopment, large-scale master planned

developments, projects that create exceptional employment or economic development opportunities, or developments that include a variety of residential, commercial, and employment uses in a functionally integrated mixed-use setting. Each PD district is a site-specific zoning district, with specific requirements that are unique to that Planned Development. In the PD District, there shall be no predetermined requirements for lot area, lot width, height, floor area ratio, yards, usable open space, signage, or off-street parking and loading, but such requirements may be made a part of a planned development during its approval and recorded against the PD-zoned property as regulations to be enforced as a part of this ordinance.

The applicable standards for approval of a zoning map amendment to the PD District (MGO §28.098(2)), including staff analysis, are as follows:

- a) *The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of [the PD statement of purpose]. Conditions under which planned development may be appropriate include:*
1. *Site conditions such as steep topography or other unusual physical features; or*
 2. *Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.*

Analysis: Staff believes that PD Zoning is necessary to implement the specific, deeper setback recommendations in the Mifflandia Plan, which could not be implemented with conventional downtown mixed-use districts such as DC (Downtown Core) or UMX (Urban Mixed Use) As such, staff believes this standard is met.

- b) *The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.*

Analysis: The Planning Division believes the Plan Commission can find that the proposed Planned Development–General Development Plan (PD-GDP) and Planned Development – Specific Implementation Plan (PD-SIP)) are generally consistent with the [Comprehensive Plan \(2018\)](#), [Downtown Plan \(2012\)](#), and [Mifflandia Plan \(2019\)](#) as noted in the “Conformance with Adopted Plans” sub-section of this report. Areas of Plan inconsistency are noted in the above section and conditions of approval are recommended to address remaining areas of inconsistency.

- c) *The PD District plan shall not adversely affect the economic health of the City or the area of the City where the development is proposed. The City shall be able to provide municipal services to the property where the planned development is proposed without a significant increase of the cost of providing those services or economic impact on municipal utilities serving that area.*

Analysis: Staff believe this standard is met.

- d) *The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management (TDM) plan may be required as a way to resolve traffic and parking concerns. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking and other non-motorized travel; flexible work schedules and parking management programs to substantially reduce automobile trips.*

Analysis: Staff believe this standard is met as the Traffic Engineering Division did not require a TDM for this request. As it relates to the garage access, the Traffic Engineering Division can support a proposal with one or two driveways. While either option can be supported, Traffic Engineering staff believe that a two-driveway option is somewhat more preferable from a circulation standpoint.

e) *The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.*

Analysis: The Planning Division believes this standard can be found met. While the proposed building is significantly larger than the existing smaller lot pattern of development along the 500 blocks of both W Washington Avenue and W Mifflin Street, as well N Bassett Street, staff notes that this proposal is believed to be consistent with larger developments, as recommended in the Downtown and Mifflandia Plans.

Related to this standard, Staff raised the following design-related discussion points in its July 1, 2020 staff report to the UDC:

- **Massing and Articulation.** The Mifflandia Plan does not include a recommendation for maximum building length, though recommends one be considered as part of the creation of a future Urban Design District. The plan does recommend that buildings exceeding 33 feet in width should include vertical intervals and incorporate articulation, design and massing to respond to the historic 33 feet wide lot rhythm through the utilization of program elements such as storefronts, cafes, porches or balconies, arcades, awnings, window bays, and other methods.
- **Balconies.** As proposed, these are not consistent with the Mifflandia Plan's design guidelines nor the General Regulations of the Zoning Code that do not allow these as encroachments into prescribed stepback areas. From a design standpoint, staff have concerns that the features largely "hang" off the face and that they are within the prescribed setback area.
- **Second Level Patio Wall.** The center of the building along East Washington includes a wall-like element along the rooftop patio, but not a true second story wall. Page 16 of the Mifflandia plan recommends that a minimum two-story mass and staff has raised questions whether this design feature could be found to meet the intent of this requirement.
- **West Washington Driveway and Garage Door Opening.** Page 19 of the plan recommends that for corner development properties, driveways should only be accessed from the North-South Streets, not West Washington Avenue. The current concept includes driveways on both Bassett and West Wash, which lead to the same parking level. The applicant strongly supports maintain the two drives, as proposed, citing circulation issues including those related to Bassett being a one-way street. Traffic Engineering Division staff have indicated that they can support a proposal with one or two driveways, noting that a two-driveway option is somewhat more preferable from a circulation standpoint.

These comments were provided to the Urban Design Commission, who at their July 1, 2020 meeting, recommended final approval. The motion passed on a unanimous vote (7-0), noting that the W Washington Avenue entry drive was acceptable.

- f) *The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.*

Analysis: Staff also believes this standard can be found met. As proposed, the applicant is providing a variety of open spaces, including individual front porches at ground level, a patio/gathering space in front of the proposed commercial space, a fifth floor rooftop patio, and individual unit balconies ranging in size. As stated earlier, the projecting balconies on the sixth floor are not permitted by Zoning, and will need to be removed before any permits for new construction are issued.

- g) *The PD district shall include suitable assurances that each phase could be completed in a manner that would not result in an adverse effect upon the community as a result of termination at that point.*

Analysis: Staff believes this standard is met as this is not a phased development.

- h) *When applying the above standards to an application for height in excess of that allowed in [Section 28.071\(2\)\(a\) Downtown Height Map](#), except as provided for in [Section 28.071\(2\)\(a\)1.](#) and [Section 28.071\(2\)\(b\)](#), the Plan Commission shall consider the recommendations in adopted plans and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present:*

1. The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.

2. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.

3. The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the project and create a pleasing visual relationship with them.

4. For projects proposed in priority viewsheds and other views and vistas identified on the Views and Vistas Map in the City of Madison Downtown Plan, there are no negative impacts on the viewshed as demonstrated by viewshed studies prepared by the applicant.

Analysis: On balance, staff believes that it is possible that this standard can be found met. The proposed six-story building is believed to be consistent with the 4+2 height and design recommendations contained in the [Mifflandia Plan \(2019\)](#), as noted in the "Conformance with Adopted Plans" sub-section of this report. Therefore, the Planning Division believes that the excess height is compatible with the planned character of the surrounding area. In regards to the demonstrated higher quality building, the building includes many favorable design elements such as its exterior material pallet and rooftop terraces. However, the application materials do not include specific information to differentiate the quality of this building compared to a building of four stories or less. Staff requested that the applicant provide more specific information on this aspect of the request prior to and/or at the public hearing for further evaluation. Lastly, because of the deep setbacks along W Washington Avenue, in keeping with the recommendations in the [Mifflandia Plan \(2019\)](#), this development is not anticipated to have impacts on Capitol views.

Public Input

At the time of report writing, staff received one public comment, but notes that more public comments were received for the July 1, 2020 Urban Design Commission meeting (both sets of comments are in the [Legislative File](#)). The comment received for Plan Commission noted concerns over the two driveways as proposed and their conflict with the [Mifflanida Plan \(2019\)](#) recommendation.

Conclusion

The Planning Division believes that the standards for Demolition Permits, Zoning Map Amendments, and Planned Developments can be found met with this proposal. From a land use standpoint, while higher than the suggested range for unit density in the [Comprehensive Plan \(2018\)](#) (127 dwelling unit/acre compared to the recommended 20 – 90), staff notes that this proposal generally conforms to the more specific recommendations contained in the [Downtown Plan \(2012\)](#), and the [Mifflanida Plan \(2019\)](#). While, staff regrets the loss of the nine (9) existing residences, all of which are over 100 years old, staff believes the Demolition Standards be found met.

Staff’s primary concern with this request is the inclusion of a garage access from West Washington Avenue. While the proposed development overall reduces curb cuts, staff believes that such an access for a corner lot is inconsistent with the plan recommendations, as noted in this report. The staff recommendation currently includes removal of this access. However, staff notes that as part of their overall recommendation for approval, the Urban Design Commission noted that they support the second garage access.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the standards for Demolition Permits, Zoning Map Amendments, and Planned Developments are met and approve the demolition requests and forward the Zoning Map Amendment ID 28.022-00448, rezoning 0.81 acres of land located at 502-516 W Washington Avenue and 8-14 N Bassett Street from Downtown Residential – 2 (DR-2) to Planned Development (PD), as well as Planned Development – General Development Plan (PD-GDP) and Planned Development – Specific Implementation Plan (PD-SIP) to the Common Council with a recommendation of **approval**. These recommendations are subject to input at the public hearing and the conditions from reviewing agencies.

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

Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. The West Washington Avenue driveway and garage entrance shall be removed and the revised elevation, site, and landscape plans shall be approved by staff as part of final sign-off.

Engineering Division (Contact Tim Troester, (608) 267-1995)

2. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
3. Developer shall provide projected wastewater flows for the proposed development as a condition for

development. Offsite sewer improvements(sewer upsizing) may required as a condition of development.

4. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
5. Construct sidewalk/terrace improvements/pavement to a plan as approved by City Engineer.
6. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
7. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
8. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
9. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
10. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
11. Revise the site plan 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)
12. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
13. Record a deed restriction on Lot 1 of the proposed CSM to restrict construction of building openings on all structures to be a minimum of 856.00.
14. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

This project will require a concrete management plan and a construction dewatering plan as part of the

erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

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 the Madison General Ordinances.

15. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

16. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
17. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

18. The pending Certified Survey Map application for this property 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.

19. The internal private easements between the existing parcels shall be released prior to final sign off. They include Doc No's 421272, 429209, 664109, 788257, 788258 and 1806901.

20. The existing conditions plan appears to have a different exterior boundary from the other plan sheets and the pending Certified Survey Map. Make necessary corrections.

21. The base apartment address is 510 W Washington Ave. The commercial tenant space is 502 W Washington Ave.

22. Submit a complete building Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page 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 final verification submittal stage of this LNDUSE with Zoning. The approved Addressing Plan shall be included in the final application. 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) 266-5987)

23. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.

24. 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.

25. 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.

26. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

27. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

28. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
29. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
30. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
31. 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 three stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4768) (ascheib@cityofmadison.com) 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.
32. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
33. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
34. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
35. Note: 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 West Washington Avenue or S. Bassett 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.
36. Covered parking is not dimensioned and as such not reviewable at this time. The applicant should be aware this may lead to major site changes once the dimensions are provided.

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

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| <p>37. The applicant is requesting two (2) additional stories above the four (4) story maximum as per the Downtown Height Map. Buildings along the frontage of the 400 and 500 blocks of West Washington Avenue may be allowed two (2) additional stories above the four- (4) story building height limit provided there is a thirty- (30) foot setback. When considering a request for height in excess of that allowed per the Downtown Height</p> |
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Map, the Plan Commission shall consider the recommendations in adopted plans and no application for excess height shall be granted by the Plan Commission unless it finds that all of the conditions enumerated in Zoning Code Section 28.098(2)(h) are present.

38. Eliminate the sixth floor balcony and canopy projections from the West Washington Avenue 30 foot stepback. Balconies and canopies may not encroach into the stepback.
39. The applicant proposes bicycle parking that does not comply with Zoning Code Section 28.141(11) requirements for bicycle stall access aisles. A Planned Development shall comply with all standards, procedures, and regulations of this ordinance that are applicable to the individual uses within the development, including the General Regulations of Subchapter 28I and the Supplemental Regulations of Subchapter 28J. Where the applicant proposes a development that does not comply with one or more of the regulations in those subchapters, they shall specifically request that the Plan Commission consider the application of those regulations in making its recommendations on the development, including specific language in the zoning text or depiction on the plans.
40. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
41. Work with Planning and Zoning staff for final approval of the Zoning text.
42. Bicycle parking for the commercial tenant space shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for the use. Provide a minimum of two (2) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Submit a detail showing the model of bike rack to be installed.
43. Bicycle parking shall comply with MGO Sections 28.141(4)(g) and 28.141(11) and shall be designated as short-term or long-term bicycle parking. A minimum of 103 resident bicycle stalls are required plus a minimum of 10 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. Submit a detail showing the model of bike rack to be installed including any structured or wall mount bike racks.
44. Show the dimensions of the surface and underground bicycle stalls and the access aisles on the plans. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. The access aisle must not be obstructed by vehicles, columns or other structures. The short-term surface bicycle stalls may not extend over the property line into the public right-of-way.
45. 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.

46. 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)

47. Overhead electrical lines will be considered an obstruction preventing the use of the public street as an aerial access lane.

Parks Division (Contact Sarah Lerner, (608) 261-4281)

48. 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 Central Park-Infrastructure Impact Fee district. Please reference ID# 20024 when contacting Parks about this project.

City Forestry (Contact Wayne Buckley, (608) 266-4892)

49. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

50. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.

51. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.

52. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.

53. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees

and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.

54. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.
55. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
56. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan (in PDF format) shall be submitted City Forestry for approval of planting locations and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note to plan: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

57. Private wells may have served the parcels associated with this project prior to municipal water service connections. The existing properties will require an internal and external survey for potential unabandoned private wells prior to proceeding with demolition. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 266- 4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.
58. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development
59. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

60. In coordination with public works improvements, the applicant shall expand the concrete boarding pad surface at the existing Metro bus stop on the north side of West Washington Avenue, west of North Bassett Street.
 61. The applicant shall secure an approved City of Madison Privilege in Streets permit in order to install and maintain a new passenger waiting shelter with seating amenity in this expanded concrete pad surface area. The shelter shall substantially match the existing (green) Washington Avenue design style.
 62. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.
63. Metro Transit provides daily, all-day service along West Washington Avenue in the Bassett Street intersection. Bus Stop #0512 is located on the north side of West Washington Avenue, west of North Bassett Street.