

## AGENDA # 5

City of Madison, Wisconsin

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REPORT OF: URBAN DESIGN COMMISSION	PRESENTED: March 18, 2009
TITLE: 430 and 434 South Thornton Avenue/1526 Jenifer Street/430 Cantwell Court – PUD-SIP to Renovate 3 Existing 4-Unit Structures and Construct a New 2-Unit Structure. 6 <sup>th</sup> Ald. Dist. (13649)	REFERRED: REREFERRED: REPORTED BACK:
AUTHOR: Alan J. Martin, Secretary	ADOPTED: POF:
DATED: March 18, 2009	ID NUMBER:

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Members present were: Mark Smith, Dawn Weber, Ron Luskin, Jay Ferm, Marsha Rummel, Todd Barnett and Bruce Woods.

### SUMMARY:

At its meeting of March 18, 2009, the Urban Design Commission **GRANTED INITIAL APPROVAL** of a PUD-SIP located at 430 and 434 South Thornton Avenue/1526 Jenifer Street/430 Cantwell Court. Appearing on behalf of the project were Mark Schmidt, representing the property owner; Paul Skidmore, representing Yahara View, LLC; and Navin Jarugumilli, the property owner. Prior to the presentation staff noted an email distributed to the Commission noting issues with ongoing improvements to properties under the ownership of the applicant regarding their lack of completeness. The email requests referral of the current project under consideration to allow for resolve of issues. Staff noted that the Commission's consideration of the project does not allow for their referral based on this request. If issues with other building permit activity require follow-up by either the Zoning Administrator or the Director of the Inspection Unit, these issues may be forwarded for further investigation and follow-up. Schmidt then provided a view of the details of the modified plans in response to the Commission's review of the project. Following his presentation the Commission noted the following:

- The elevation changes resolves on-site circulation issues like accessible stall level, one in and one out.
- On Cantwell Court look at masonry piers and railing, it takes away from the project; look at providing small porch to front instead of the enlarged patio.
- Patio is maintained adjacent to 421 Cantwell Court, it needs to be 5-foot clear in depth.
- Make terrace balconies on Thornton more integrated.
- Issue with the use of vinyl siding proposed on rehabilitated buildings as well as the new building. Vinyl siding is not appropriate.
- New building doesn't have to match existing but do not use vinyl. Uncomfortable with and won't support vinyl on these buildings.
- Problem with raised patio relationship with adjacent property to north. Consider making the raised patio a green roof.
- The tall wall along the northerly property line provides that the Alpine Currant as proposed will not screen, suggest the use of Juniper, more effective landscape screen; talk with neighbor to see what he wants, suggest a 10-12 foot high green screen.
- Issues with balconies at second floor at 3-foot depth, generally 5-feet is required.

- Consider getting rid of side decks on the second floor in favor of enlarging streetside decks.
- Consider utilizing a green roof with the 5-foot raised terraces in combination with 5-foot elevated balconies above for the first floor units.

In discussion of referral of the project due to the number of items that require address was noted as not necessarily appropriate where the changes to the project don't effect the fundamentals of the overall design and basic site plan.

#### **ACTION:**

On a motion by Barnett, seconded by Luskin, the Urban Design Commission **GRANTED INITIAL APPROVAL**. The motion was passed on a vote of (6-1) with Woods voting no. The motion provided for the above stated concerns and the following:

- Modify landscape plan on the north elevation per Woods' comments; work with neighbor.
- On second floor balconies on the east and west elevations extend to 5-feet along with increasing balconies on the front and back street sides.
- Eliminate piers and fencing.
- The landscape/site treatment and parking area needs to be less unfiltering pavement in favor of porous pavement adjacent to the garage entry.
- Provide an alternative to the proposed use of vinyl siding for further consideration.
- Enlarge balcony on garage side.
- Investigate architectural cladding system, not vinyl.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. The overall ratings for this project are 4, 5.5, 6, 6.5 and 7.

URBAN DESIGN COMMISSION PROJECT RATING FOR: 430 & 434 S. Thornton Ave./1526 Jenifer St./430 Cantwell Ct.

	Site Plan	Architecture	Landscape Plan	Site Amenities, Lighting, Etc.	Signs	Circulation (Pedestrian, Vehicular)	Urban Context	Overall Rating
Member Ratings	-	-	-	-	-	-	-	6.5
	-	-	-	-	-	-	-	6
	4	5	4	-	-	4	4	4
	6	7	5	6	-	7	8	7
	6	5.5	5.5	-	-	5.5	6.5	5.5

General Comments:

- Addresses many of the concerns; tough site.
- No vinyl siding, restore wood on original buildings. Screening between new construction and 429 Cantwell. Address decks and patios. Meet with MNA and Cantwell neighbors. Appreciate all the improvements, moving in good direction.
- Thanks for the hard work to resolve big issues. Good job. One hopes the owner will execute construction of this project more.
- Much improved. This looks expensive – will the number of units support this much site work? Cantwell Court unit is now reasonable.



Department of Planning and Community & Economic Development  
**Building Inspection Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2984  
Madison, Wisconsin 53701-2984  
TTY/TEXTNET 866 704 2318  
FAX 608 266 6377  
PH 608 266 4551

**DATE:** April 24, 2009

**TO:** Plan Commission

**FROM:** Thomas Adamowicz, Housing Inspection Supervisor

**SUBJECT:** Rezoning petitions at 1148 Jenifer Street and 430 S. Thornton Ave.

It has come to our attention that there are rezoning proposals have been submitted for 1148 Jenifer Street and 430 S. Thornton Avenue.

Based on recent past experience, the Building Inspection Division would like to express concerns to the Plan Commission about our history with the three existing 4-unit buildings. We ask the Plan Commission consider putting some conditions on any approvals to ensure that the owner actually completes this new/expanded project.

On August 29, 2006 the owner obtained permits to expand the living area to the basement and attic at both 434 S. Thornton and 1526 Jenifer Street. These permits expired in August of 2008.

Building Inspection received a complaint about these properties and inspected them on September 30, 2008. At 434 S Thornton, we issued an order to cease discharging a sump pump over the public sidewalk. At both 434 S. Thornton and 1526 Jenifer Street, we issued short-term notices to board up broken and missing windows, to remove physical hazards from the property and to clean the property. We issued long term notices to renew the building permits, to install windows in the building, to repair the soffits and fascia, to replace missing siding and to install stairs and handrails etc. where missing. At that time, it appeared that all work had ceased at these two buildings. The due date for the long-term notices is May 3, 2009. As of April 24, 2009, no permit has been obtained; no repairs have been done. These cases will be referred to the City Attorney if the work is not done by the due date.

On November 9, 2007, the owner obtained a permit for 433 Cantwell Court to expand the living area into the attic and basement. This permit has not expired, but work at the site has now apparently stopped. This building has broken, missing and boarded windows. The doors are boarded and stairs have been removed. There is an excavation along Cantwell Court for a new basement door. There is a plywood and tarpaper enclosure, built partially on the paved terrace, covering the excavation. The excavation is undermining the paved terrace.

Plan Commission

April 24, 2009

Page 2 of 2

These buildings are an eyesore and are a blighting influence on the neighborhood. This site is not secured. These buildings are located across the street from a grade school and a middle school; they are an attractive nuisance.

The Building Inspection Division is very concerned that the owner is proposing new projects at the same time he has multiple building projects that are stalled and very far from being completed.

cc: George Hank, Building Inspection Division Director

































A Place for All People  
Established 1969

**Marquette Neighborhood Association**  
953 Jenifer Street  
Madison, WI 53703  
mnaboard@marquette-neighborhood.org  
www.marquette-neighborhood.org

May 1, 2009

Mark Schmidt  
Navin Jarugumilli  
PO Box 762  
Wautoma, WI 54982

**Board of Directors**

**Scott B. Thornton**  
*President*

**Michael Jacob**  
*Vice-President*

**Jonathon Gramling**  
*Treasurer*

**Sara Ishado**  
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**John Coleman**

**David Hecht**

**Deb Hanrahan**

**Mariah Miller**

**Troy Pickl**

**Amanda  
Schwoegler**

**Julie Spears**

**Anne Walker**

**Re:** Neighborhood meeting concerning project at S. Thornton Ave., Jenifer Street and Cantwell Court

Dear Messrs. Schmidt and Jarugumilli:

The Marquette Neighborhood Association Board of Directors is writing to follow-up on the meeting of April 13, 2009 concerning your project located at S. Thornton Ave., Cantwell Court, and Jenifer Street.

As stated in our letter of January 26th, we still support the objective of rehabbing the 3 existing structures that abut Jenifer Street to include four, two-floor condo units in each building. The board restates its view that it is important that significant additional progress be made on rehabbing the three existing structures before commencement of Phase II of your proposal. The lack of progress on the rehab of the existing structures is of concern to the neighborhood board and the board feels that the condition of the buildings should be improved prior to the undertaking of additional projects at the site. There must be a firm commitment to bring the three buildings very close to habitable condition prior to expansion of the project (proposed Phase II).

In addition, we noted that a number of participants at the meeting had concerns about the large mass of the proposed new building at 430 S. Thornton. The board prefers that you do not move the house at 430 S. Thornton Ave. If the city approves moving the house, we would not support a new structure with more massing than any of the individual existing structures on Jenifer Street. We also encourage you to pursue a small-car-only garage so that the footprint of the structure can be minimized. The concerns of the neighbors on Cantwell Court should be taken into account when deciding on final massing for the new structure.

Thank you for working with us concerning your project.

Sincerely,

/Scott B. Thornton/

Scott B. Thornton, President  
On behalf of the Board of Directors  
Marquette Neighborhood Association

cc:  
MNA Board, P&D, Cantwell Neighbors, City Planning,





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March 20, 2009

Mark Schmidt  
Navin Jarugumilli  
PO Box 762  
Wautoma, WI 54982

**Board of Directors**

**Scott Thornton**  
*President*

**Michael Jacob**  
*Vice-President*

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**John Coleman**

**David Hecht**

**Carol Hoyer**

**Mariah Miller**

**Troy Pickl**

**Amanda  
Schwoegler**

**Julie Spears**

**Anne Walker**

Re: Progress on rehabilitation of buildings at S. Thornton Ave., Jenifer Street  
and Cantwell Court

Dear Msrs. Schmidt and Jarugumilli:

The Marquette Neighborhood Association Board of Directors is writing to follow-up on our letter of January 26<sup>th</sup>, 2009 concerning your project located at S. Thornton Ave., Cantwell Court, and Jenifer Street.

As stated in our letter of January 26<sup>th</sup>, we still support the objective of rehabbing the 3 existing structures that abut Jenifer Street to include four, two-floor condo units in each building. However, upon further consideration and discussion and considering the current state of the existing buildings, the board feels that it is important that significant additional progress be made on rehabbing the three existing structures before commencement of Phase II of your proposal. The lack of progress on the rehab of the existing structures is of concern to the neighborhood board and the board feels that the condition of the buildings should be improved prior to the undertaking of additional projects at the site.

In particular, the board would like to see: the exterior of the existing buildings brought up to code, e.g. repair, replacement and painting of windows; the restoration of the siding and trim; and the landscaping of the soil surrounding the buildings.

In their current condition, the three buildings undergoing rehab detract from the esthetics and value of the neighborhood. They have been in a state of partial repair since at least early 2007. The board's request is that the three existing buildings be made habitable and the units put on the market before the house on Cantwell Court is moved or modified in any way.

Thank you for working with us concerning your project.

Sincerely,

/Scott Thornton/

Scott Thornton, President  
On behalf of the Board of Directors  
Marquette Neighborhood Association



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January 26, 2009

**Board of Directors**

**Scott Thornton**  
*President*

**Michael Jacob**  
*Vice-President*

**Jonathon Gramling**  
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**Sara Ishado**  
*Secretary*

**John Coleman**

**David Hecht**

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**Troy Pickl**

**Amanda  
Schwoegler**

**Julie Spears**

**Anne Walker**

Mark Schmidt  
Navin Jarugumilli  
PO Box 762  
Wautoma, WI 54982

**Re: MNA Board Support for Condo Development Project at 430 S. Thornton Ave.**

Dear Mssrs. Schmidt and Jarugumilli:

The Marquette Neighborhood Association Board of Directors is pleased to write this letter of support for your project located at 430-434 S. Thornton Ave., 430 Cantwell Court and 1148 Jenifer Street. Specifically:

- We support the overall objective of rehabbing the existing structures at 430-434 S. Thornton Ave. to include four, two-floor condo units in each building, and the development of a new two-unit structure at 430 Cantwell Court.
- We strongly support moving the existing house at 430 Cantwell Court to 1148 Jenifer Street. Every effort should be made to avoid demolishing this structure.
- We strongly encourage you to provide information to prospective buyers about the ability of converting the new units to include three bedrooms. We believe strongly that these units can be targeted to families with children, given the proximity of the property to O'Keeffe Middle and Marquette Elementary Schools.
- It is critical that you stay in continued contact with the current and future contractors to ensure that they maintain and secure the construction site.
- We encourage you to continue to maintain communication with the neighbors adjacent to 430 Cantwell Court in order to mitigate any concerns they may have about how the project will impact their property.
- We urge you to limit the amount of space in the backyard of 1148 Jenifer Street devoted to parking to the greatest extent possible.
- We strongly urge you to ensure that the project moves forward in a timely manner.

In addition, we look forward to additional plan details about landscaping and fencing.

Thank you for your willingness to work with us to ensure we meet neighborhood objectives to the best of our ability. We look forward to our next meeting.

Sincerely,

Scott Thornton  
President  
On behalf of the Board of Directors  
Marquette Neighborhood Association

Proposed Cantwell Court Plan – My Concerns  
Burke O'Neal – 421 Cantwell Court

### 1. Project Scale

The existing 1-1/2 story house at 430 Thornton Ave. has an open front porch, compatible architecture and a good setback from Cantwell Court. It provides a nice transition from the large boxy buildings at the southern end of Cantwell Court into the small bungalows along the rest of the street. The proposed building would continue the constricted feeling at the end of Cantwell Court, being only 5 feet from the sidewalk and reducing the distance between 430 Cantwell and 433 Cantwell to 12' from about 24'. Cantwell Court is a narrow, one-way street with no parkways between the sidewalks and the street. The proposed building is 2-1/2 stories, which will tower over the 1-1/2 story bungalow only 9 feet away at 429 Cantwell Court. Under the proposal, a concrete retaining wall will be right up against the sidewalk on Cantwell and only 4' away from the side entrance to 429 Cantwell Court. This would be an oversized, imposing neighbor to the bungalows on Cantwell Court.

### 2. Sunlight Access for 429 Cantwell Court

The open porch of the existing house at 430 Cantwell Court starts about 11 feet from the sidewalk and the house begins about 19 feet from the street. The proposed 430 Cantwell Court building starts 5 feet from the sidewalk, and has no front porch. The 19 feet of additional building to the south of 429 Cantwell means that front of 429 Cantwell will be in shadow until about 12:00 noon vs. 8:30 AM in December. The greater height of the proposed building means fewer months where the sun is high enough in the sky to pass over the building and reach the southeast side of 429 Cantwell Court. The new building appears to be about 2' closer to 429 Cantwell exacerbating the alleyway effect.

### 3. Sunlight Access for Active Solar Energy Systems at 421 Cantwell Court

An increase in building height could cast a shadow on the SE facing solar panels at 421 Cantwell Court (Detailed elevation drawings could address whether this were an issue). Wis Stat. § 700.41 effectively freezes the permitted building envelope of properties adjacent to a solar or wind system to whatever it was at the time the system was constructed. This allows the system owner to construct a system based on existing zoning regulations and be certain that future zoning amendments and development will not render the system ineffective.

### 4. Construction Impact on Neighbors

For going on 3 years the owner's existing three buildings have been in a state of disrepair. There is an overflowing dumpster full of debris parked in the yard and small piles of various debris though out the yard. There are untrimmed bushes growing over the sidewalk on Cantwell. The ground around the buildings is well driven over mud, which erodes onto the sidewalks when it rains. Many of the windows are out of the buildings with plastic tarps, Styrofoam or particle-board covering some of them. There has been very little visible progress in renovating these buildings. The proposed project is much more involved. How many more years will this construction work go on? Does the owner have any successful examples of completed projects? 430 Thornton was previously owner-occupied – how long will it continue to be vacant?

### 5. Snow Removal

As there is no parkway between the sidewalk and the street on Cantwell, five feet is not enough space to allow practical snow removal from the sidewalk. The Cantwell sidewalk along the 433 Cantwell building (which is also about 5' from the sidewalk) was covered with snow and ice through the past two winters and pedestrians were forced to walk in the street through this section.



## Firchow, Kevin

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**From:** Cnare, Rebecca  
**Sent:** Friday, May 08, 2009 9:35 AM  
**To:** 'Burke O'Neal'  
**Cc:** Fruhling, William; Firchow, Kevin; Martin, Al  
**Subject:** RE: Moving of 430 Thornton Ave. to 1148 Jenifer St. (2/23/09 Landmarks)



Lndmk 022309  
Minutes.pdf (83 K...

Good Morning Burke,  
I have attached the minutes from the Landmarks Commission meeting when the Commission approved the house relocation. The Commission only ruled on whether or not the house (currently on Thornton/Cantwell) would be appropriate in the Third Lake Ridge Historic District, along with some other proposed changes to the house and the adjacent house on Jenifer Street.

You are correct, that since the house being moved is currently not in the Historic District, it is out of the Landmarks Commission purview. They made no ruling on the new project, as it is also not in the district.

Regards, Rebecca

Rebecca S Cnare, ASLA  
Urban Design Planner  
City of Madison  
Department of Planning & Community & Economic Development Madison Municipal Building Ste LL.100  
215 Martin Luther King Jr Blvd  
PO BOX 2985  
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-----Original Message-----

From: Burke O'Neal [mailto:burke@fullspectrumssolar.com]  
Sent: Wednesday, May 06, 2009 8:12 PM  
To: Cnare, Rebecca  
Cc: Rummel, Marsha  
Subject: Moving of 430 Thornton Ave. to 1148 Jenifer St. (2/23/09 Landmarks)

Hello,

I was wondering why the Landmarks Commission okayed moving a house that fits the historic houses on the block it is being removed from (most of which are in the Third Lake Historic District)? The developer has brought up several times at neighborhood meetings and when I have talked to him in person that the "project was approved by Landmarks". Is the truth more that the Commission did not have authority over 430 Thornton Ave, because it is out of the historic district (by two houses)? Then the commission was simply approving the moving of a house to a lot in the Historic District? The developer makes it sound like he has the Commission's blessing on the whole project.

My house is in the Third Lake Historic District and 430 Thornton Ave. is two houses away. I can't imagine a worse impact to my block and the row of nice bungalows here than extracting a perfectly fine, previously owner-occupied historic house with a large side yard and replacing it with an oversized condo/parking garage that fills most of the lot.