



## Report to the Plan Commission

December 20, 2010

**Legistar I.D. #20516**  
**2508-2544 University Avenue/  
516-518 Highland Avenue**  
**PUD Rezoning & Demolition Permit**

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

**Requested Action:** Approval of a request to rezone 2508-2544 University Avenue/ 516-518 Highland Avenue from C2 (General Residence District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) to allow demolition of six existing buildings and construction of a mixed-used building with 130 residential units and approximately 8,600 square feet of retail space.

**Applicable Regulations & Standards:** Section 28.07(6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments; Section 28.12(10) provides the process for zoning map amendments; Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits..

**Summary Recommendation:** The Planning Division recommends that the Plan Commission recommend **approval** of Zoning Map Amendment ID 3511 & 3512, rezoning 2508-2544 University Avenue/ 516-518 Highland Avenue from C2 to PUD-GDP-SIP, to the Common Council subject to input at the public hearing and the conditions from reviewing agencies beginning on page 10 of this report.

### Background Information

**Applicant & Property Owner:** Mullins Group, LLC; 401 N. Carroll Street; Madison; Sue Springman, representative.

**Proposal:** The applicant proposes to demolish 6 existing commercial and residential buildings to allow construction of a mixed-use building containing 130 dwelling units and approximately 8,600 square feet of first floor commercial space. Construction is scheduled to commence in early 2011, with completion anticipated in June 2012.

**Parcel Location:** A 1.08-acre parcel located on the north side of University Avenue and the west side of Highland Avenue south of Campus Drive; Aldermanic District 5 (Bidar-Sielaff); Madison Metropolitan School District. The proposed development site does not include the 6,745 square-foot Lombardino's Restaurant property at 2500-02 University Avenue.

**Existing Conditions:** The site is developed with a series of 4 mostly one-story commercial buildings located along the north side of University Avenue, a 1.5-story single-family residence and a two-story mixed use residential/ commercial building on the west side of Highland Avenue, and surface parking.

#### Surrounding Land Use and Zoning:

North: Campus Drive; Wisconsin & Southern Railroad; Veterans Administration Hospital in the Village of Shorewood Hills;

South: Blue Moon Bar & Grill, New Seoul Korean Restaurant, Jack's Barber shop, Unearthed and the Queen's Staircase Apartments, all zoned C2 (General Residence District);

West: Surface parking on land owned by the Wisconsin Department of Transportation;

East: Best Western InnTowner Hotel, zoned C2.

**Adopted Land Use Plan:** The Comprehensive Plan identifies the subject site and other C2-zoned properties on both sides of University Avenue at Highland Avenue for Community Mixed-Use development. A note on Map 2-2a of the Comprehensive Plan states that development density and the heights of buildings should be greatest adjacent to Campus Drive and then step down to lower densities and heights on the University Avenue frontage, and again along the south frontage of University Avenue to provide a good transition to the low-density residential neighborhood to the south. The intersection of University and Highland avenues is identified as a future Transit-Oriented development node, while the University Avenue corridor between Hilldale and Highland Avenue is recommended as a Potential Redevelopment and Infill Area in the Comprehensive Plan.

At the present time, there is not an adopted neighborhood or special area plan that encompasses the subject site. The Planning Division is currently working with interested parties to develop the University Avenue Corridor Project Plan to provide land use and urban design recommendations for “Old” University Avenue from Breese Terrace to Farley Avenue. Completion of the planning effort is anticipated for the first half of 2011.

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

**Public Utilities and Services:** This property is served by a full range of urban services.

**Zoning Summary:** The subject site is proposed to be zoned PUD-SIP; the project will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Utility Easements, Barrier Free
No:	Urban Design, Landmarks, Floodplain, Wellhead Protection, Waterfront Development
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>	

## **Project Review**

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The applicant is requesting approval of a request to rezone a four-parcel, 1.08-acre property that extends along the north side of University Avenue and the west side of Highland Avenue from C2 (General Commercial District) to PUD-GDP-SIP to allow construction of a mixed-use development containing 130 apartments and approximately 8,600 square feet of first floor retail space. The proposed building will replace a total of six residential and commercial buildings currently occupying the subject site, which does not include the 6,745 square-foot parcel at 2500 University Avenue developed with Lombardino’s Restaurant.

### Background

A summary of the six existing buildings to be demolished to accommodate the proposed development include a two-story, 8,100 gross square-foot mixed use building located at 2544 University Avenue that includes approximately 6,800 square feet of commercial space and indoor parking on the first floor and 2 second-story residential units on an approximately 8,500 square-foot parcel at the western edge of the subject site.

The second parcel comprising the subject site is an approximately 8,900 square-foot property developed with a one-story, L-shaped commercial building addressed as 2524 University Avenue, which abuts the eastern wall of the two-story mixed-use building to the west. The building contains 4,677 square feet of gross floor area and currently houses Lulu's Restaurant. A gravel parking lot occupies the remainder of the property.

A one-story, 1,200 square-foot commercial building located at 2522 University Avenue adjoins a portion of the eastern wall of the restaurant; the space formerly housed a scuba shop. The remainder of the University Avenue frontage is developed with an asphalt parking lot and a one-story, 2,400 square-foot commercial building at 2508 University Avenue, which is currently vacant.

The Lombardino's building and small asphalt parking lot occupy the corner of University and Highland avenues (off the proposed PUD site). Moving north of Lombardino's along the west side of Highland, the subject site is developed with a 768 square-foot single-family residence located at 516 Highland Avenue, which includes 3 bedrooms and 1 bath primarily located on the ground floor. The house includes 144 square feet of space on the second floor. The remainder of the subject site is developed with a two-story mixed-use building at 518 Highland Avenue, which includes approximately 3,000 square feet of first floor commercial space and 2 residential units above. The brick building features a unique rounded southeastern building corner. The remainder of the 11,072 square-foot parcel is an asphalt parking lot.

The applicant indicates that all six of the buildings located on the subject property are "functionally obsolete" and that they "do not lend themselves to reinvestment or reprogramming for future uses." Staff did not conduct an inspection of the interior of the existing buildings but has observed them from the public street and nearby properties and believes that the buildings are in average to below average condition. The applicant has provided photos of the interior and exterior of the buildings to substantiate their demolition request.

The northern edge of the site is formed by Campus Drive, which is elevated above the subject property as it crosses over Highland Avenue by an engineered embankment. The base of the embankment is formed by a concrete retaining wall of varying height, with a heavily vegetated slope between the top of the retaining wall and the southern shoulder of Campus Drive.

The Best Western InnTowner hotel is located east of the site across Highland Avenue. Properties directly across from the site on the south side of University Avenue are developed with a variety of neighborhood commercial land uses including a bar & grill, barber shop and ethnic restaurant, and by a 13-unit apartment building. South of the University frontage, land uses transition to predominantly single-family residences located along and south of Kendall Avenue. The western edge of the subject site is formed by a parcel owned by the Wisconsin Department of Transportation, which is leased to the City and used for parking for local businesses and residents.

The Comprehensive Plan identifies the subject site and the other C2-zoned properties on both sides of University Avenue for Community Mixed-Use development. Note 9 on Map 2-2a of the Comprehensive Plan states that development density and the heights of buildings should be greatest adjacent to Campus Drive and then step down to lower densities and heights on the University Avenue frontage, and again along the south frontage of University Avenue to provide a transition to the low-density residential neighborhood to the south. In addition, the intersection of University and Highland avenues is generally identified as a future Transit-Oriented development node.

## Project Review

The proposed mixed-use building will be constructed as a single structure comprised of three distinct vertical components. A six-story wing is proposed to parallel Campus Drive and have frontage along Highland Avenue before stepping down to a five-story wing that extends south to University Avenue parallel to the western property line. Finally, a three-story section will extend along University Avenue between the five-story wing and eastern edge of the University Avenue project frontage adjacent to Lombardino's.

The 130 residential units proposed will consist of 28 studio apartments, 55 one-bedroom apartments, 45 two-bedroom apartments and 2 three-bedroom townhouse apartments. One of the units is identified as a "manager's unit." A total of 184 bedrooms are proposed in the development.

The development plan calls for the approximately 8,600 square feet of commercial space proposed to be provided in 4 first floor spaces ranging in size from 1,389 square feet to 3,461 square feet. Moving from west to east, the first commercial space will be a 1,389 square-foot storefront located at the southwestern corner of the five-story section of the building adjacent to University Avenue, which will be recessed from the south property line to provide an outdoor space adjacent to the public sidewalk. The remainder of the first floor of the five-story element of the building will be used as the primary lobby for the residential component of the project. The setback of the southern wall of the five-story building will vary. At its closest point, the wall will abut the University Avenue property line.

The second commercial space is proposed as an approximately 2,300 square-foot space to be located midway along the ground floor of the three-story element of the building. An outdoor area will be located in an alcove between the commercial space and the University Avenue residential lobby. Continuing east, the three-story section of the building will feature 3 ground floor residential flats that will have front walls recessed approximately 10 feet from the public sidewalk behind private patio/terraces. The flats will be elevated about 2 feet above the sidewalk to provide privacy for those residential units while providing variation in the appearance of the three-story section. The first floor of the three-story section will also include ground floor entrances to 6 two-story townhouse units to be located on the second and third floors of the three-story element above the 3 ground floor flats. The southeastern corner of the building along University Avenue will include a 1,428 square-foot commercial space with an adjacent outdoor area. A trellis and raised planter are proposed along the property line shared with Lombardino's to enclose the outdoor area for the third commercial space adjacent to the restaurant's parking lot. The three-story portion of the building will have a varied setback along University Avenue, with a minimum setback of 1 foot from the property line proposed.

The project calls for a 3,461 square-foot commercial space and a secondary residential lobby along the Highland Avenue façade of the six-story section of the proposed building north of Lombardino's. An outdoor area is proposed adjacent to the southeastern corner of the building at Highland. The setback along the eastern elevation adjacent to Highland will vary and will be determined by the final location of that street's right of way. Currently, a portion of the public sidewalk extends across the applicant's private property. However, the City Engineer and Traffic Engineer are recommending conditions of approval for the project requiring that sufficient right of way to be dedicated to the City along Highland Avenue to allow a 5-foot wide sidewalk and 5-foot wide terrace to be located between the back of curb and a point 6-12 inches from the applicant's eastern property line.

The remainder of the first floor along the northern property line will be devoted to parking and mechanical spaces to serve the project. Parking for 152 vehicles and 86 bicycles will be provided on two levels within the building, which will be accessible from two driveways. The first driveway will be

located along the Highland Avenue façade, which will provide access to 95 regular parking stalls and 22 tandem stalls to be located beneath the footprint of the building. The second driveway will be located along the western façade of the building, which will provide access to 34 spaces. The two internal parking areas will not be interconnected with one another by ramps. The applicant indicates that the indoor parking will be secured and is intended primarily for the residents of the apartments. Use of the structured parking for the commercial uses will be limited to employees of those spaces but not their patrons, who will instead need to park on nearby streets or in the adjacent WisDOT-owned lot when it is available for public parking.

The western parking entrance will enter the site from the adjacent parking lot owned by the Wisconsin Department of Transportation and leased by the City. Access to the adjacent lot from University Avenue is provided by a driveway located adjacent to the southwestern corner of the subject site. A 10-foot wide joint driveway easement straddles the western property line of the site. However, the alignment of the applicant's driveway will require that a new cross access easement be obtained from WisDOT. Staff recommends that this easement be obtained prior to final approval of the planned unit development and the issuance of permits for the project if approved. If the applicant is unable to obtain such an easement, the project may need to be redesigned to accommodate the western parking access on the subject parcel. The western wall of the building is currently proposed to be located 20 feet from the western edge of the site.

The submitted plans propose a 1 to 5-foot setback between the building and the northern property line and the City's retaining wall below Campus Drive, with approximately 23 feet proposed between the new building the southernmost lane of Campus Drive. However, the City Engineering Division has put forth a proposal to expedite the installation of a new stormwater box culvert along Campus Drive to alleviate flooding that frequently occurs in the area, including at the University Avenue intersections with Farley Avenue, Highland Avenue and Walnut Street. The preferred corridor for the proposed 12-foot by 6-foot culvert is located along the southern edge of Campus Drive under the existing treed embankment adjacent to the northern edge of the subject site. The culvert project was originally scheduled for construction in 2012, but in order to take advantage of the construction efficiencies afforded by the proposed development, the City Engineering Division is proceeding with plans and budget authorization to allow the section of the culvert adjacent to the subject site to be constructed in Spring 2011 following demolition of the existing buildings (if the proposed PUD is approved). The section of the culvert east of Highland Avenue would be constructed in 2012 as currently scheduled.

The proposed culvert project will cause the removal of the existing City retaining wall and most or all of the existing vegetation located between the top of the retaining wall and the southern edge of Campus Drive, which includes a variety of volunteer and specimen trees and underbrush. The City Engineering Division indicates that the vegetative material removed for the culvert project would be replaced with new plantings based on a plan developed by Parks Division and City Forestry staff. The culvert project will also result in a minor modification to the plans for the proposed mixed-use building by eliminating the space previously proposed between the north wall of the building and the retaining wall. Following completion of the City culvert project and the applicant's proposed development, the space between the back of curb along Campus Drive and the new building will appear as a gently sloped landscaped terrace. Staff believes this will be an improvement over the current situation on the site earlier proposal, which would have resulted in a narrow trench between walls.

The proposed building will stand six stories and 74 feet above Highland Avenue and five stories and 59 feet above Campus Drive and along the western façade (the lowest floor of the six-story section will be below the Campus Drive embankment). The three-story portion of the building along University Avenue will stand approximately 40 feet in height as measured to the top of the parapet. The three-, five- and

six-story sections of the building will enclose a second floor landscaped terrace for residents of the 130 residential units. The applicant also proposes a rooftop terrace for residents to be located on a portion of the roof of the five-story wing of the building, which will have access from the sixth floor of the section parallel to Campus Drive. Patios or balconies will be provided for all of the residential units.

The architecture of the proposed mixed-use building will reflect a distinct modern design aesthetic. The developer proposes to clad the exterior of the building with a combination of two-toned brick veneer and composite architectural panels accented with metal panels and cable balcony railings. The application materials include a series of renderings of how the building will appear from a variety of perspectives.

## **Analysis**

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The applicant's project cannot be developed as proposed in the existing C2 zoning, therefore requiring the use of Planned Unit Development zoning. The floor area ratio (FAR) of the proposed mixed-use building will be approximately 4.8, which exceeds the 3.0 FAR maximum in C2 zoning. The residential density of the project also will exceed the lot area maximums in the C2 zoning district.

As with any rezoning, the Plan Commission shall not recommend the adoption of a proposed zoning map amendment unless it finds that the proposed rezoning is "in the public interest and is not solely for the interest of the applicant, and shall not recommend a proposed amendment without due recognition of the master plan of the City." In addition, Chapter 66.1001(3) of Wisconsin Statutes 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. "Consistent with" was clarified earlier this year by Wisconsin Act 372 as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan."

Furthermore, the Zoning Ordinance requires that specific criteria be met to determine if a proposed planned unit development "is consistent with the spirit and intent of this ordinance and has the potential for producing significant community benefits in terms of environmental and aesthetic design." The criteria for approval of a planned unit development requires that the Plan Commission consider the character and intensity of the proposed development and its compatibility with the surrounding area as well as the preservation and maintenance of open space and the impacts on traffic, parking and demand for municipal services resulting from the project.

### Conformance with the Comprehensive Plan

The Comprehensive Plan identifies the subject site and the other C2-zoned properties in the vicinity of University and Highland avenues for Community Mixed-Use development. The University Avenue corridor from Highland Avenue west to Hilldale is recommended as a Potential Redevelopment and Infill Area as designated on Map 2-5 of the Comprehensive Plan. The University-Highland intersection is also designated as a node for Transit-Oriented Development.

Community Mixed-Use (CMU) districts are recommended locations for a high-density mix of residential, retail, office and civic uses in a compact urban setting that may encompass many blocks of land. CMU developments are recommended to either be located adjacent to medium- or high-density residential areas or be large enough to accommodate high-density residential uses when adjacent to lower-density areas, and may also be located near employment centers. CMU areas are recommended to have a focal point developed at high densities and focused on a commercial core, a plaza or square, a civic use or dense residential development. Buildings with these zones should be well designed and located

close to the sidewalk with parking located at the rear of the buildings or underground, and pedestrian-level amenities should be provided.

The intensity of development in CMU districts will vary throughout the City, with more specific standards for height, FAR and urban design to be determined through a neighborhood or special area planning process. Buildings in CMU districts should be at least 2 stories in height, and residential density should generally not exceed 60 units an acre, although more intensive development may be recommended in a neighborhood or special area plan. At present, there is no adopted neighborhood or special area plan to provide more specific guidance for considering the proposed development. The Planning Division is currently leading a neighborhood planning project to develop land use and urban design guidelines for the University Avenue corridor from Farley Avenue to Breese Terrace. However, draft recommendations for the corridor are still being developed, and adoption of the project plan is not anticipated until sometime in the first half of 2011.

Transit-Oriented Development (TOD) is described in the Comprehensive Plan as a “compact, mixed-use development pattern that focuses the highest development densities and intensities in very close proximity to high-capacity transit stops.” TOD areas are recommended to include a mix of residential, retail, office and public uses in a compact, walkable environment that makes it convenient for residents, customers, and employees to travel by transit, bicycle, foot, or auto. Like in community mixed-use areas, TOD areas should include mixed-use buildings with ground floor retail, office, and commercial space, and upper floor office and/or residential dwelling units that are located to create a sense of spatial enclosure along the street. Transit-oriented developments should also include high-quality urban open spaces such as plazas or squares and be designed to create a unique sense of place.

The Comprehensive Plan also places a significant emphasis on new or infill development being complementary to and compatible with the existing and planned characteristics of the surrounding neighborhood, and infill development or redevelopment being designed to incorporate or improve upon existing positive qualities such as building proportion and shape; pattern of buildings and yards; building orientation to the street, and; building materials and styles. Although infill development is strongly encouraged as a key theme of the overall plan, it is always only one among many objectives, and other factors such as architectural character and scale (including building height, size, placement and spacing), block and street patterns, landscaping and traffic generation are also important.

In reviewing the proposed planned unit development against the applicable recommendations in the Comprehensive Plan, the Planning Division believes that the Plan Commission can find the proposed mixed-use development to be consistent with the Comprehensive Plan and generally consistent with the recommendations for Community Mixed-Use and Transit-Oriented development. The proposed planned unit development calls for the construction of a modern, urban mixed-use building with structured parking that staff feels will invigorate and strengthen both the University Avenue and Highland Avenue street frontages of the site, which currently feature an underwhelming pedestrian environment due in part to a preponderance of surface parking lots and a series of disjointed and underutilized buildings of minimal architectural value. The proposed mixed-use development includes an appropriate amount of street-level neighborhood-serving commercial spaces with outdoor components that should result in an engaging, active pedestrian environment, especially along University Avenue. Furthermore, the three residential flats proposed along the University Avenue frontage have the potential to create a unique urban living opportunity that is rare in Madison.

The 120.8-unit per acre density of the 130-unit residential component of the proposed development is approximately twice the 60 units an acre generally recommended for developments in CMU districts. It should be noted that the high density as measured in units per acre is in part due to the large number

of studio and one-bedroom apartments. If the project on average consisted of two- and three-bedroom units, statistically, the density of the project would be substantially lower. However, staff believes that the higher density of dwelling units proposed can be justified in this case by the project's proximity to both a low-density, mostly single-family area to the south of the mix of commercial uses on the south side of University Avenue and a large regional employment center to the north that includes the University and Veterans Administration hospitals and the University of Wisconsin campus. Staff also believes that the higher density can also be supported due to the project's location at a Transit-Oriented Development node that is currently served by seven-day Metro bus service and will be located near a potential future commuter rail stop serving the nearby hospitals. The Comprehensive Plan notes that areas of higher density can be identified in neighborhood plans. While it would have been ideal to have a neighborhood plan adopted prior to the consideration of the subject development, Planning staff feels that the proposed density is appropriate.

Staff believes that the project also reflects the recommendation on Map 2-2a of the Comprehensive Plan, which recommends that development density and the heights of buildings should be greatest adjacent to Campus Drive before stepping down to lower densities and heights on the University Avenue frontage, and again along the south frontage of University Avenue to provide a transition to the low-density residential neighborhood to the south. As noted in the Project Review section, the greatest density and mass in the development will be located on the Campus Drive side of the subject site before transitioning to a three-story element along most of the University Avenue frontage with the exception of the southern façade of the five-story wing of the building at the western end of the site. Staff feels that this proposed transition is appropriate.

#### Conformance with the Planned Unit Development Criteria

Staff is aware that some residents in the Regent neighborhood have expressed concerns about the mass, height and density of the proposed redevelopment project. These concerns are acknowledged in a December 10, 2010 letter from the Regent Neighborhood Association to Ald. Shiva Bidar-Sielaff and the Urban Design and Plan commissions in which the neighborhood board supports the level of effort the applicant put into engaging the neighborhood about the project, and the project in general. The neighborhood's resolution, however, states that some members still have "lingering concerns" about the height of the five- and six-story portions of the building ("east" and "west" towers) and the mass of the project in general.

The letter also recommends 8 conditions of approval that the neighborhood association asks be considered if the project is approved. Of those conditions, staff believes that #2, 4, 6 and 8 are either addressed in Madison General Ordinances or by proposed conditions of approval such as the requirement to submit a reuse and recycling plan for approval by the City's Recycling Coordinator (#56) and the proposed prohibition on the issuance of residential parking permits to future residents in the development (#43). Staff believes that the Plan Commission may consider the appropriateness of the other 4 proposed neighborhood conditions in making its recommendations on the project to the Common Council.

Despite the concerns expressed by some in the surrounding area regarding the height, mass and density of the development, the Planning Division believes that the Plan Commission can find the criteria for approval of planned unit developments met. While the intensity of development and the bulk and mass of the project will be significantly greater than what currently exists on the subject site and in the 2500-block of University Avenue, staff believes that the development has been designed to be compatible with existing surrounding land uses. As noted above, the height of the building will transition down to three stories along most of the University Avenue frontage opposite predominantly two story

buildings built to the property line on the south side of the street. Along Highland Avenue, the tallest portion of the proposed building will be located across from the parking lot of the five-story Best Western InnTowner Hotel and adjacent to the Campus Drive overpass across Highland.

Staff also believes that the proposed building setbacks along University Avenue are appropriate. The applicant has submitted preliminary plans for the University Avenue right of way and the space between the new building and the back of curb in an effort to mitigate the massiveness of the building adjacent to the public sidewalk. The streetscaping plan may incorporate a combination of pedestrian amenities including sections of hard-surfaced terrace, modular planters, benches, bike racks and pedestrian-level lighting. Existing street trees will be preserved where possible through both the construction of the proposed development and the City's reconstruction of University Avenue. Planning staff will review the final design of the applicant's streetscaping plan as part of the final signoff of the project prior to issuance of permits. The final streetscaping plan will be implemented as part of the Developer's Agreement for the project administered by the City Engineering Division.

The Urban Design Commission reviewed the proposed planned unit development on December 15, 2010 and recommended final approval of the project. The report from this meeting will be forwarded to the Plan Commission as soon as it is available. In recommending final approval of the project, the Urban Design Commission recommended minor revisions be made to the landscaping plan for the project and requested that the applicant consider minor revisions to the entrances to the townhouse units from University Avenue, the size of brick to be used, the proposed incorporation of the vertical "altar" projection on the eastern end of the building, and the courtyard elevation of the six-story section. These changes can be addressed by staff as conditions of approval prior to recording.

## **Conclusion**

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The applicant and property owner is requesting approval of a planned unit development and demolition permit to allow demolition of six existing commercial and residential buildings to allow construction of a mixed-use development that will contain approximately 8,600 square feet of ground floor commercial space and 130 dwelling units. The Planning Division believes that the proposed development can meet the standards for approval for demolition permits, zoning map amendments and planned unit developments and that the project represents an appropriate, high-quality urban infill redevelopment solution for an underutilized site with a challenging lot configuration. Staff believes that the proposed multi-story mixed-use building can be found to be consistent with the Comprehensive Plan, including the recommendations for Community Mixed-Use and Transit-Oriented developments. While the proposed density of the project exceeds the general density recommendations for Community Mixed-Use developments, Planning staff feels that the high-quality design of the project and its location near the University of Wisconsin campus and two regional hospitals and the other factors noted in this report justify approving the higher density proposed.

Staff also believes that the proposed alternative use of the property will also be more economically productive than the existing buildings, which staff believes are in average to below average condition and in likely need of costly renovation to extend their useful life. The buildings to be demolished were informally presented to the Landmarks Commission, who noted with the possible exception of the two-story brick building with the rounded corner element at 518 Highland Avenue, that none of the buildings were of any historical or architectural value.

## **Staff Recommendations, Conditions of Approval & General Ordinance Requirements**

Major/Non-Standard Conditions are shaded

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 3511 & 3512, rezoning 2508-2544 University Avenue/ 516-518 Highland Avenue from C2 (General Commercial District) to PUD-GDP-SIP, to the Common Council with a recommendation of **approval** subject to input at the public hearing, the following Planning Division conditions and the conditions from reviewing agencies:

1. That the zoning text be revised per Planning Division approval prior to final approval and recording of the planned unit development as follows:
  - 1a. signage shall be limited to the maximum permitted in the R6 zoning district for the residential uses and as per C2 zoning district for the commercial uses and as approved by the Urban Design Commission and Zoning Administrator (references to “as shown on approved plans” and conceptual sign locations shall be removed);
  - 1b. that a section be added to the zoning text acknowledging the presence of existing and future high levels of noise and vibration resulting from Campus Drive and from trains operating on the nearby railroad corridor, including from possible future commuter rail services. This provision shall also be added to the leases for all residential units proposed, with a copy of the lease to be provided for the file.
  - 1c. building height and floor area ratio shall be “As shown on approved plans”;
  - 1d. revise the list of permitted uses as follows:
    - offices, business and professional (the other uses listed appear elsewhere in the list);
    - remove references to publicly owned and operated parking facilities.
    - outdoor eating areas for restaurants, brewpubs, taverns, etc. as shown on the approved specific implementation plan, or as minor alterations to approved and recorded specific implementation plans when approved by the Planning Division Director following a recommendation by the District Alderperson, with the following conditions or as otherwise provided for through the alteration process:
      - Hours of Operation: Sunday – 11:00 am to 10:00 pm ; Monday - Thursday – 11:00 am to 10:00 pm; Friday – Saturday – 5:00 pm to 11:00 pm
      - Music: No additional outdoor amplification of sound is permitted
      - Outdoor eating areas shall be subject to the Plan Commission’s continuing jurisdiction, as provided for in Section 28.12(11)h.4.
2. The letter of intent describing the existing conditions, demolition and proposed development shall be separated from the zoning text for the project prior to final approval and recording of the planned unit development.
3. That prior to final approval and recording of the planned unit development, the applicant obtain a cross-access easement from the Wisconsin Department of Transportation to provide access to the western driveway shown on the project plans. In the event the applicant is unable to obtain said easement, the development plans shall be revised to accommodate the western access on the subject property.
4. That the applicant submit proof of financing and executed contracts with construction firms for the entire scope of the project, which provide assurances that the entirety of the project will be

completed once started, in a form acceptable to the Director of the Department of Planning and Community & Economic Development prior to the recording of the planned unit development and the issuance of any building permits. For the purposes of this condition, the entire scope of the project shall mean all excavation; site utility construction; construction of improvements in the public right of way and on the zoning lot; structural, electrical, plumbing and mechanical construction, and; any other building improvements and furnishings required by the Director of the Building Inspection Division for the issuance of Certificates of Occupancy for the project.

5. That the applicant submit a final streetscaping plan for the University Avenue and Highland Avenue frontages for approval by the Planning Division Director and inclusion in the Developer's Agreement prior to final approval of the project for recording and issuance of permits.
6. That the residential units proposed to abut Campus Drive be designed with sufficient soundproofing measures to insure that highway-generated noise from Campus Drive not exceed 52 decibels on the interior of those units.
7. That the minor design modifications requested by the Urban Design Commission be made part of this approval, and that those modifications be approved by staff prior to final approval of the project for recording and issuance of permits.

The following conditions have been submitted by reviewing agencies:

**City Engineering Division** (Contact Janet Dailey, 261-9688)

8. The applicant shall coordinate the construction of the proposed development with the University Avenue reconstruction project scheduled for 2011.
9. A maintenance agreement will be required for any streetscape items located in the right of way. The City's proposed University Avenue reconstruction project does not include this work.
10. The applicant shall complete a CSM and obtain sign off from Engineering prior to issuance of building permits for this development. [Note: A one-lot CSM has been submitted separately for City review.]
11. The applicant shall work with City Engineering in their plan to install public storm sewer along the north property line of this site. This may require a permanent limited easement and/or a temporary limited easement for the installation of the public storm sewer along the north property line, as determined by the City Engineer. Design of the north face of the building shall allow for removal of the existing retaining wall within the Campus Drive.
12. The developer shall coordinate the site improvements with the City's future storm box culvert project located adjacent to the site. The City and developer have met and have come to an agreement that the developer shall provide the City and their contractor access within and through the site to complete the storm box construction, which is anticipated to begin in April 2011. The City will require approximately 8 weeks to complete the majority of the storm box construction. The City and developer shall coordinate the access needs to allow the City's contractor on site while developer's work on site is in progress, whenever possible.
13. The applicant shall dedicate a permanent limited easement and/or a temporary limited easement for the installation of public storm sewer along the north property line.

14. The applicant shall provide dedicate right of way for Highland Avenue to allow for 5 feet of grassed terrace, 5 feet of sidewalk and 6 inches from the back of sidewalk to the property line.
15. Coordinate the final addressing plan for this site with Lori Zenchenko, Engineering Mapping Section. Please transmit floorplans in PDF format via email to [Addressing@cityofmadison.com](mailto:Addressing@cityofmadison.com).
16. The intersection of University Avenue and Highland Avenue floods to approximately the sill of Lombardino's front entrance. The lowest entrance to the proposed building and underground parking entrance shall be a minimum of 0.5 feet above the flood elevation, unless documentation is provided and approved by the City Engineer waiving the requirement.
17. Private connections to the storm sewer box on University Avenue shall be shown and elevations of the proposed inverts identified.
18. Sanitary sewer service shall be provided on both Highland Avenue and University Avenue. The applicant shall install new sanitary main within the sidewalk on University Avenue from Highland Avenue to serve this development. The new sanitary sewer installation shall be coordinated with the University Avenue reconstruction project.
19. The applicant is proposing to install shoring and/or a soil retention system to allow for the construction of the building directly behind the property line on University Avenue. There is currently an existing 12-foot by 6-foot storm box located under the north curb line on University Avenue that has likely limited the terrace tree roots from spreading towards the roadway. The vertical cut of the roots to facilitate the new building along with the existing obstruction of the roots towards the roadway will lead to instability in the root system. The applicant shall meet with City Forestry and City Engineering staff to discuss the impacts. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
20. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
21. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
22. The approval of this planned unit development does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.

23. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The applicant shall provide the City Engineer the proposed grade of the building entrances so that the City Engineer can approve the grade of the entrances prior to signing off on this development.
24. The applicant shall replace all sidewalk and curb and gutter that abuts the property, which is damaged by the construction, or any sidewalk and curb and gutter, which the City Engineer determines needs to be replaced because it is not at a desirable grade, regardless of whether the condition existed prior to beginning construction.
25. The applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of the planned unit development does not constitute or guarantee approval of such encroachments.
26. The applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
27. All work in the public right of way shall be performed by a City-licensed contractor.
28. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree-planting plan (in PDF format) to Dean Kahl, of the City Parks Division - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816.
29. All damage to the pavement on University Avenue adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria if it is damaged after the completion of the City's reconstruction project.
30. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
31. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
32. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites, with over one acre of disturbance for stormwater management and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR-216 and NR-151, but a separate permit submittal is now required from the WDNR for this work as well.

As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the DNR, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Please contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.

33. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2, 10, & 100-year storm events; control 40% TSS (20 micron particle) off of new paved surfaces; provide oil and grease control from the first 1/2" of runoff from parking areas, and; complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of the Madison General Ordinances.
34. The applicant shall submit, prior to plan signoff, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
35. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
36. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. 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.
37. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
38. Prior to approval of the issuance of a demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged, the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.
39. The site plan shall be revised 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.
40. City of Madison Environmental Projects staff have reviewed the subject site and determined that a Phase I ESA will be required of the applicant. The applicant shall provide 1 digital and 2 hard copies of an ASTM Phase I ESA prepared by an environmental professional. Staff review of this Phase I ESA will determine if a further investigative Phase II ESA is also required. Please submit any relevant Phase I and Phase II ESAs to Brynn Bemis (267-1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)) for further review.

**Traffic Engineering Division** (Contact John Leach, 267-8755)

41. The applicant will need to dedicate to the City right-of-way to accommodate a 5-foot grass/tree terrace, 5-foot public sidewalk, and 1 additional foot to the property line on Highland Avenue. The min. 5 foot terrace is also required to modify the driveway approach to accommodate an 8% maximum slope from the public sidewalk to the gutter for vehicle clearance. The applicant will need to revise the site plans and the CSM to show this dedication.
42. Doors for residences and commercial spaces shall be designed to open inward and not outward onto the Highland Avenue or University Avenue public rights of way.
43. A condition of approval shall be that no residential parking permits shall be issued for this project, as would be consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility of the restriction in their apartment leases and record in zoning text. The applicant shall note in the Zoning Text that no residential parking permits shall be issued. In addition, the applicant shall submit a copy of the lease for the 2508-2544 University Avenue/ 516-518 Highland Avenue project noting the above condition in the lease when submitting plans for City approval.
44. The applicant shall provide language in the zoning text stating that "All stacked-parking vehicles shall not use the right-of-way for vehicle storage or maneuvering and how the vehicles shall be moved to allow a blocked vehicle access at all times. A contact person & telephone number shall be provided to handle any complaints or problems regarding the stacked-parking operation on the site."
45. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by the Traffic Engineer Division to accommodate the microwave sight and building. The applicant shall submit grading plans and elevations if the building exceeds four stories prior to sign-off to be reviewed and approved by Keith Lippert, (266-4767) 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.
46. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2-foot overhang, and a scaled drawing at 1" = 20'.
47. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.
48. The parking facility shall be modified to provide for adequate internal circulation for vehicles. This can be accommodated by eliminating a parking stall at the dead ends. The eliminated stall shall be modified to provide a turnaround area and signed with a "No Parking Anytime."
49. Overhead mirrors and "Stop" signs shall be installed at the driveways to underground parking areas. A "Stop" signs shall be installed at the Highland Avenue and University Avenue driveway approaches. All signs at the approaches shall be installed on site or behind the property line. All

directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.

50. The accessible parking space shall have a minimum vertical clearance of 8 feet, 2 inches for ingress/ egress to comply with the Americans With Disabilities Act Requirements as set forth in the Wisconsin Administrative Code ILHR Charter 69. At least 7 feet of vertical clearance are required for underground parking spaces other than accessible parking spaces and all vertical clearances shall be shown on the plan.
51. Per ordinance, the small car stalls shall not exceed 25% of the total number of Medium and Large Vehicles and Small Vehicles stalls for the facility. The site plan shall show small car parking spaces identified and properly controlled with a sign "Small Cars Only" per each space, when plans are submitted for approval.
52. The applicant shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
53. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

54. In regard to the provision of off-street loading berths, the applicant has not provided the 2 (10 x35-foot) designated off-street loading areas for this project, and therefore requests a waiver of one loading space with this request.
55. Parking requirements for persons with disabilities must comply with MGO Section 28.11 (3)6.(m) which includes all applicable State accessible requirements, including but not limited to:
  - a.) Provide the minimum number of accessible stalls striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent to and on the passenger side for the surface parking.
  - b.) Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
  - c.) Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required.
  - d.) If parking is designated for commercial or residential uses, designate on the plans. Residential parking requires 2% of the stalls be accessible. If it is a mixed-use building (residential and commercial), the commercial requirements shall apply. Where surface and garage parking are provided, the accessible parking shall be provided in each.
56. Provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Sec 28.12(12)(e) of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.

57. Plans do not clearly show the level of detail needed to determine if signage meets the C2 requirements. In the Zoning Text, revise the signage to be allowed as per Chapter 31 of the Madison General Ordinances, as compared to the R6 for the residential uses and as per C2 for buildings containing commercial uses, and as approved by the Urban Design Commission.
58. Bike parking shall comply with MGO Section 28.11: Provide 130 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plans for the residential use. Plans do not clearly show in detail, any bike parking reserved for the retail uses. Contact Jerry Lund in the City's Office of Real Estate Services (267-8718) regarding encroachments into the street right of-way with bike parking and or signage. Note: A bike-parking stall is 2 feet by 6 feet with a 5-foot access area.
59. If exterior lighting is provided, it must comply with MGO Section 10.085 outdoor lighting standards. Lighting will be limited to .10 watts per square foot.
60. The submittal does not include any information relative to the provision of useable open space. The amount of useable open space being provided must be identified and shown on final site plans.

**Parks Division** (Contact Kay Rutledge, 266-4714)

61. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester, 266-4816.
62. The developer shall pay \$257,514.32 in park dedication and development fees for 130 multi-family units, which is the remaining amount due after a credit is given for 4 existing multi-family units and 1 single-family unit. The developer must select a method for payment of park fees before signoff on the PUD rezoning. This development is located within the Vilas-Brittingham (SI27) park impact fee district. Fees in lieu of dedication=(130 units@\$1,477)=\$192,010.00; Park development fees=(130 units@ \$592.50)=\$77,025.00, for a total park impact fee before credit of \$269,035.00. Credits for existing units=\$11,520.68 based on 1 existing single-family unit at \$3242.68, and 4 multi-family units @ \$2,069.50 combined fee= \$8,278.00.

**Fire Department** (Contact Bill Sullivan, 261-9658)

63. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. However, due to the complexity of the project, additional fire service features may be required in accordance with MGO 34.501.

**City Assessor's Office** (Contact Maureen Richards, 266-4845)

This agency did not submit comments for this request.

**Water Utility** (Contact Dennis Cawley, 261-9243)

64. Note: The property is not located in a Wellhead Protection District. The Madison Water Utility shall be notified to remove the water meters prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

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

This agency did not submit comments for this request.