



## Report to the Plan Commission

June 29, 2009

Legistar I.D. #14883

159-171 Proudfit Street/701-737 Lorillard Court

PUD Rezoning

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

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**Requested Action:** Approval of a request to rezone 159-171 Proudfit Street and 701-737 Lorillard Court from Planned Unit Development-Specific Implementation Plan (PUD- SIP) to Amended PUD-SIP to allow construction of a 14,300 square-foot office building.

**Applicable Regulations & Standards:** Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments; Section 28.12 (9) provides the process for zoning map amendments.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission recommend **approval** of Zoning Map Amendment ID 3434, rezoning 159-171 Proudfit Street and 701-737 Lorillard Court to Amended PUD-SIP, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

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### Background Information

**Applicant & Property Owner:** Urban Land Interests; 10 E. Doty Street, Suite 300; Madison; Chris Schramm, representative.

**Proposal:** The applicant proposes to construct a 14,300 square-foot office building on the western portion of the subject site. Construction is scheduled to commence later this summer, with completion about one year later.

**Parcel Location:** Approximately 1.68 acres generally located on the east side of Proudfit Street between Lorillard Court and Brittingham Park/ North Shore Drive, Aldermanic District 4; Madison Metropolitan School District.

**Existing Conditions:** The is mostly undeveloped with the exception of three single-family residences located along the Proudfit Street frontage that were previously granted demolition permit approval and made part of the overall planned unit development.

**Surrounding Land Use and Zoning:**

North: One- and two-family residences, zoned R5 (General Residence District); Tobacco Warehouse Apartments, zoned PUD-SIP;

South: Brittingham Park, zoned C (Conservancy District);

East: Southwest Bike Path – Greenbush Link; undeveloped land for future development, zoned R4 (General Residence District) and M1 (Limited Manufacturing District);

West: One- and two-family residences on the west side of Proudfit Street, zoned R4.

**Adopted Land Use Plan:** The Comprehensive Plan identifies the subject site within the Findorff Yards Downtown Mixed-Use Sub-district, which recommends development of mixed-use buildings, office/service uses, neighborhood-oriented commercial uses and multi-family housing at densities up to 60 units an acre in 2-4 story buildings as recommended in more detailed neighborhood plans.

The subject site is also located within the boundaries of the Bassett Neighborhood Master Plan, which includes the subject site in the Tobacco Warehouse District zone that is bounded by S. Bedford, W. Main and Proudfit streets and North Shore Drive. The zone is recommended for “comprehensive residential redevelopment” with an average density between 40 and 60 units per acre. Buildings are intended to maintain a lower scale on the periphery of this zone, with taller buildings at the core to capture lake views. Mixed-use development, including retail and office uses, was identified for the W. Washington Avenue, W. Main Street and S. Bedford Street frontages.

However, in granting approval of the recent amendment and expansion of the PUD for the subject site, the Plan Commission and Common Council determined that the development of offices on this site was appropriate in context to the recommendations in the Comprehensive Plan and Bassett Neighborhood Master Plan.

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor. Brittingham Park is identified as public land and is located within the corridor.

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

**Zoning Summary:** The site is currently zoned PUD-SIP. The proposed amendment, including any changes to the zoning text, will be reviewed in the following sections.

#### Previous Approvals

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On October 28, 2008 meeting, the Common Council approved a request to rezone 1.68-acres of located at 159-171 Proudfit Street and 701-737 Lorillard Court from R5 and PUD-GDP to Amended PUD-GDP and PUD-SIP to allow demolition of three single-family residences and the construction of two office buildings totaling 70,000 square feet of space to be located south of the Tobacco Warehouses.

On November 4, 2003, the Common Council approved a request to rezone approximately 4 acres of land located at 651-701 W. Doty Street and 645 W. Wilson Street from R5 to PUD-GDP and PUD-SIP. The approved PUD-SIP called for the conversion of the two historic Tobacco Warehouses located east of Proudfit Street between Findorff Court and Lorillard Court into a total of 61 apartment units. The approved PUD-GDP called for the future construction of 158 multi-family units in up to a 9-story building on the southerly 1.29 acres of the site located south of Lorillard Court and north of Brittingham Park and North Shore Drive.

#### Project Review, Analysis & Conclusion

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Urban Land Interests is requesting approval of an amended specific implementation plan for a 1.68-acre parcel located at southeasterly of Proudfit Street and Lorillard Court to provide final plan details for a two-story, 14,300 square-foot office building that will be constructed on the western portion of the site

adjacent to Proudfit Street. The 14,300 square-foot office building will be one of two office buildings included in an amended planned unit development approved in October 2008 for the subject site, which called for two office buildings totaling 70,000 square feet of space. The October 2008 approval included final specific implementation plan approval for a three-story, 43,283 square-foot office building (identified in the plan materials as Building B) to be located on the eastern portion of the site adjacent to the Southwest Bike Path – Greenbush Link, that includes 45 under-building parking stalls.

Most of the 1.68-acre site is undeveloped with the exception of three vacant single-family homes addressed as 159, 167 and 171 Proudfit Street, which received demolition permit approval with the October 2008 PUD approval. The two office buildings proposed for the subject site will sit immediately south of the Tobacco Warehouses, which were renovated into 61 apartment units as part of an phase of the subject planned unit development. Brittingham Park adjoins the subject property on the south.

The proposed 14,300 square-foot building, which is referred to as Building A, will be a relatively long, narrow structure that will parallel Proudfit Street along most of the project site's street frontage. The building will stand two stories and approximately 19 feet in height facing Proudfit Street, with the first floor of the building to be located partially below the grade of Proudfit Street. A stairway and accessible ramp will be provided to allow access to the lower level space from Proudfit; no elevator is proposed to connect the two floors. Along the eastern, rear elevation, the building will read more as a one-story structure when viewed from the 58-stall surface parking lot to be located between the subject building and Building B. The first floor of Building A will be nearly completely recessed below the grade of the parking lot.

In all, Buildings A and B will generally share the 103 new stalls proposed as part of the implementation of the two office buildings. The letter of intent also suggests that tenants of the two office buildings will have access to some of the parking primarily associated with the Tobacco Warehouse apartments north of Lorillard Court during daytime hours, when some of the residential stalls will not be occupied.

The long western and eastern walls of the building will be constructed using a combination of concrete and brick, with windows or glass curtain walls comprising a substantial portion of those elevations. A prominent sloped asphalt roof will top the building, with substantial overhangs proposed along both the western and eastern walls. The narrower northern and southern side walls of the building, including the space immediately below the sloped roof, will be primarily comprised of glass-aluminum curtain walls.

The stairway and ramp leading to the lower level from Proudfit Street, the western roof overhang and a project identification sign are proposed to be partially located in a 15-foot wide public storm sewer easement that parallels Proudfit Street. Prior to the recording of the amended SIP, the applicant will be required to receive all necessary approvals from the City Engineering Division and/ or Office of Real Estate Services for those proposed encroachments.

The Planning Division believes the final plans for Building A will substantially conform to the approved general development plan for the subject 1.68-acre property. The proposed building will be one-story shorter and approximately 10,000 square feet smaller than the three-story, up to 24,000 square-foot building conceptually approved for the western portion of the site with the October 2008 PUD approval. The modern two-story loft-style office building proposed should compliment both the contemporary architectural style of the three-story Building B to the east as well as the adjacent historic Tobacco Warehouse buildings to the north. Staff feels that the use of a two-story building along the Proudfit Street frontage will result in an appropriate transition from the non-residential building forms predominately found east of Proudfit to the low-rise wood-framed residential buildings located to the

west across the street. Finally, staff believes that the proposed building will make a significant contribution to the architecture of the surrounding area and the City as a whole.

The Urban Design Commission reviewed the final plans for Building A and granted final approval on May 20, 2009 (see attached report) following a recommendation from the Landmarks Commission on March 23, 2009 that the scale, location, massing and general concept design of the building would not adversely effect on the landmark Tobacco Warehouses (see attached minutes).

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 3434, rezoning 159-171 Proudfit Street and 701-737 Lorillard Court from PUD-SIP (Planned Unit Development, Specific Implementation Plan) to Amended PUD-SIP with a recommendation of **approval** subject to input at the public hearing, the following Planning Division conditions and the conditions from reviewing agencies:

1. Note: Prior to the recording of the amended SIP, the applicant will be required to receive all necessary approvals from the City Engineering Division and/ or Office of Real Estate Services for those proposed encroachments into the public storm sewer easement adjacent to Proudfit Street.
2. That a note be placed on the final plans and in the PUD zoning text acknowledging the presence of existing and future high levels of noise and vibration resulting from trains operating on the adjacent railroad right of way, including noise and vibration from possible future commuter rail services.
3. That following approval and recording of this amended PUD and prior to the issuance of permits to demolish the Proudfit Street houses and the construction of the first office building, the applicant shall record the two-lot Certified Survey Map of the subject site administratively approved on October 31, 2008.
4. That the applicant submit a complete, combined PUD plan set for Buildings A and B for staff review and approval prior to recording and issuance of permits to demolish the Proudfit Street houses and the construction of the first office building. The combined plan sets shall show all improvements related to the two buildings, including final architectural plans, elevations, landscaping, etc. The combined plans should include a phasing plan for how the PUD will be implemented if the two buildings are to be constructed in phases, particularly the phase limits of the central surface parking area.
5. That the applicant work with the Planning Division and Zoning Administrator prior to final approval and recording of the planned unit development to develop an enumerated list of permitted commercial and office uses for the zoning text. [Staff believes that it would be best going forward to approve PUD zoning texts with such use lists so as to avoid references to the existing Zoning Code, which is currently being rewritten and will likely have different, more contemporary use lists.]
6. That the zoning text be amended prior to recording per Planning Division approval as follows:

- 6a.) signage shall be limited to the maximum permitted in the C2 zoning district and as approved by the Urban Design Commission and Zoning Administrator (the provision for temporary construction signage is acceptable pending approval by the Zoning Administrator);
- 6b.) the Alterations and Revisions section read "No alteration or revision of this planned unit development shall be permitted unless approved by the City Plan Commission, however, the Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and the alderperson of the district and are compatible with the concept approved by the City Plan Commission.

The following conditions have been submitted by reviewing agencies:

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

- 7. Any damage to the pavement on Proudfit Street or Lorillard Court will require restoration in accordance with the City's Patching Criteria.
- 8. Proposed plan does not adequately address risk of flooding to the proposed lower level of Building A. (See City Engineer letter of July 16, 2008.) A professional engineer shall submit a sealed plan that provides protection of the 100-year storm event and provides protection from water migration from the storm sewer into the building.
- 9. The applicant shall dedicate right of way along Lorillard Court on the south side. The new right of way line shall be located 14 feet behind the face of curb (presumably by recording the previously approved Certified Survey Map).
- 10. The applicant shall complete staff conditional approval comments for the previous Demolition and Rezoning and CSM applications. The CSM shall be recorded prior to issuance of building permits.
- 11. 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.
- 12. The applicant shall construct sidewalk along Lorillard Court to a plan approved by the City Engineer.
- 13. The approval of this project 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.
- 14. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that 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.

15. A City-licensed contractor shall perform all work in the public right of way.
16. 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.
17. The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the Wisconsin Department of Natural Resources is required.
18. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to 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.
19. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) [izenchenko@cityofmadison.com](mailto:izenchenko@cityofmadison.com). The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
20. The applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.
21. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
22. Prior to approval of the project, 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.
23. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise

collected with a Developer's Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering Division signoff.

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

24. Approval of this PUD-SIP does not include the approval of the changes to roadways, median break, sidewalks or utilities. The applicant shall note on the plan: "All work in the right of way shall be approved by the Board of Public Works."

25. 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, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
26. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
27. The developer 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.
28. 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)

29. The demolition of the single family homes 159-171 Proudfit Street where previously approved; however demolition permits have not been issued. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, 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
30. Provide 11 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. Note: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. Show the stalls on the plans.
31. Meet all applicable State accessible requirements, including but not limited to:
- a.) Provide a minimum of 5 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.
  - 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.
32. Provide one 10' x 35' loading area with 14' vertical clearance to be shown on the plan. The loading area shall be exclusive of drive aisle and maneuvering space. If this loading area cannot be provided, request and obtain approval of the Plan Commission to specifically waive this requirement or it will need to be provided.
33. Lighting is not required. However, if it is provided, it must comply with City of Madison outdoor lighting standards. Lighting will be limited to .08 watts per square foot.
34. Parking lot plans with greater than twenty (20) stalls; landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.) Planting islands shall consist of at least 75% vegetative cover, including trees, shrubs, ground cover, and/or grass. Up to 25% of the island surface may be brick pavers, mulch or other non-vegetative cover. All plant materials in islands shall be protected from vehicles by concrete curbs.

**Parks Division** (Contact Tom Maglio, 266-6518)

Note: Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way or adjacent Brittingham Park. Permission for such activities must be obtained from the City Forester.

**Fire Department** (Contact Scott Strassburg, 261-9843)

35. Provide fire apparatus access as required by Comm. 62.0509 and MGO 34.19, as follows: The site plans shall clearly identify the location of all fire lanes. On the site plan, show fire lane going on the 20-foot wide side of the existing island.

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

This agency submitted a response with no conditions of approval for this project.

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

This agency did not submit a response for this project.