

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
of May 30, 3006

RE: LD. #03697: Zoning Map Amendment I.D. 3188 To Rezone 625-627 E. Mifflin Street from C3 (Highway Commercial District) to PUD-GDP-SIP

1. Requested Actions: Approval of a request to rezone 625-627 E. Mifflin Street from C3 (Highway Commercial District) to Planned Unit Development, General Development Plan/ Specific Implementation Plan (PUD-GDP-SIP) to allow demolition of an existing auto-repair garage and the construction of a 66-unit condominium building.
2. Applicable Regulations: 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; Section 28.04 (22) provides the guidelines and regulations for the approval of demolition permits.
3. Report Prepared By: Timothy M. Parks, Planner.

GENERAL INFORMATION

1. Applicant & Property owner: Mike Fisher & Karl Madsen, Great Dane Development; 2249 Pinehurst Drive; PO Box 620800; Middleton.
2. Development Schedule: The applicants wish to commence construction in October 2006 with completion scheduled for December 2007.
3. Location: Approximately 0.72 acres located at 625-627 E. Mifflin Street, Aldermanic District 2; Madison Metropolitan School District.
4. Existing Conditions: A one-story auto repair and storage garage, zoned C3 (Highway Commercial District).
5. Proposed Land Use: A five-story, 66-unit condominium building.
6. Surrounding Land Use and Zoning:
North: One and two-family residences, zoned R5 (General Residence District) and C3 (Highway Commercial District), Coachyard Square and Dayton Row townhouses, zoned PUD-SIP;
South: Goodyear Tire and Salvation Army, zoned C3;
W&E: Surface parking lots, zoned C3.

7. Adopted Land Use Plan: The Comprehensive Plan identifies the 600 and 700 blocks of E. Washington Avenue as Community Mixed Use. The opposite two blocks on the north side of E. Mifflin Street are recommended for High-Density Residential Uses. The draft East Washington Avenue BUILD Capitol Gateway Corridor Plan recommends Employment uses on the E. Washington Avenue frontage of these blocks, and Residential/Employment on the E. Mifflin Street frontage. The draft of the new Tenney-Lapham Neighborhood Plan recommends Medium-Density Residential uses on the E. Mifflin Street frontage of these blocks. Neither of the latter plans have been extensively reviewed or considered for adoption at this time. (See more-detailed discussion in report.)
8. Environmental Corridor Status: The property is not located within a mapped environmental corridor.
9. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the demolition standards of Section 28.04 (22) and the Planned Unit Development District standards.

PLAN REVIEW

The applicants are requesting approval of a request to rezone the property from C3 commercial zoning to PUD-GDP-SIP to allow future development of a five-story, 66-unit condominium building to be known as The Colony. The project will contain 40 one-bedroom units and 26 two-bedroom units, including six two-bedroom townhouse units.

The condominiums will replace an existing one-story, 15,606 square-foot brick structure occupied with an auto repair and storage business. The existing building occupies the depth of the lot and slightly less than half of the property frontage along E. Mifflin Street, with surface parking surrounding the building on both the west and east sides of the building.

The site is generally surrounded by a mix of land uses, including surface parking lots occupying the remainder of the south side of this block of E. Mifflin Street between Blair and Blount streets. Lands to the south of the site along E. Washington Avenue are non-residential in nature, with the Salvation Army headquarters and Goodyear Tire Center located south of the subject site. Properties north of the site across E. Mifflin Street are exclusively residential in nature, with a mix of one and two-family residences and the Coachyard Square and Dayton Row townhouse developments.

The proposed building will be oriented towards the western property line of the parcel, with a 26-foot wide driveway to extend the length of the eastern property line to serve two under-building parking levels. A total of 86 automobile parking spaces will serve the 66-unit development at a ratio of 1.3 parking spaces per unit, with 34 of the spaces to be located at ground level behind the first floor façade and 52 spaces to be located one floor below in an under-building parking level. Parking for 58 bikes is proposed, of which 19 spaces will be located in racks at the front of the building and at the bottom of the driveway. The project is not providing an off-street loading stall to serve the new building; a trash enclosure will be provided in the basement. The project is requesting that a waiver to this requirement be granted as part of the approval of this planned unit development. A recent amendment to the Zoning Ordinance allows a waiver to providing off-street loading to be considered as part of a PUD approval similar to other facets of a development such as yards, building height, usable open space or off-street parking.

The building is proposed as a U-shaped structure that will scale down from five stories covering most of the site down to three stories along E. Mifflin Street to provide a transition from higher-intensity uses envisioned along E. Washington Avenue into the mostly one and two-story residential uses north of E. Mifflin Street. The building will be faced primarily with brick veneer atop a concrete masonry base with various precast and brick reveals and ornamental metal roof overhangs used to create visual interest along the E. Mifflin Street elevation. Primary public access to the 66-unit building will be through an entrance located at the end of a landscaped courtyard created by the shape of the building. The three-story component of the building facing Mifflin is intended to evoke a townhouse style, with eight entry doors facing the street. According to the floorplans submitted with the project, those doors will lead to either to first floor dwellings or to two-story townhouse units to be located on the second and third floors facing E. Mifflin Street. Two other first floor units will have direct access from the courtyard and another first floor unit will have a side-loaded entrance along the west wall with a walkway from the street. Units in the five-story section of the building will have a mixture of recessed patios or balconies located primarily along the south, east and west walls, though fourth floor units facing E. Mifflin Street will have patios on the roof of the three-story section of the building.

The new building will occupy the majority of the site, with an 11-foot setback from the street property line and approximately a ten-foot setback from the western, side property line and 13-foot setback to the southern, rear property line. Most of the yard space will be seeded with a “no-mow” fescue mix with canopy trees to be planted at 30 to 40-foot intervals along the western and southern sides of the building. Landscaping of the rest of the site will consist primarily of mound alpine currant shrubs to be planted in a row adjacent to the sidewalk, along the western wall of the building adjacent to the side-loaded first floor unit and along the courtyard path leading to the main apartment entrance. Beds of perennials will be planted in the remainder of the front yard.

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Inclusionary Zoning

The applicants have submitted an Inclusionary Dwelling Unit Plan (IDUP) indicating their intent to comply with the inclusionary zoning provisions of the Zoning Ordinance. The IDUP indicates that 10 of the 66 units will be constructed to meet the affordability criteria, with all ten units to be available to families earning 80 percent of the area median income (AMI). Four of the affordable units will be two-bedroom units, with the six remaining affordable units to contain one bedroom. The proposed unit breakdown represents 15% of each unit type in conformance with ordinance requirements as well as 15% of the overall project. A dispersion plan submitted with the IDUP shows units located on every floor of the building including one first floor unit facing E. Mifflin Street and two units overlooking the courtyard. The Planning Unit feels that the dispersion of the ten affordable units is acceptable.

This project has earned one incentive point, which the applicant is using to request funds from the Inclusionary Zoning Special Reserve Fund. A report from the Community Development Block Grant Office regarding the project's conformance with the inclusionary zoning provisions is attached.

The project is also receiving a substantial density bonus. The project proposes a density of 91.67 units per acre based on 66 units on the 0.72-acre site. The benchmark density for consideration of a density bonus is based on the existing zoning, or C3 in this case, which has a benchmark density of 38 units per acre. The Zoning Ordinance provides a ten percent bonus per incentive point (up to three points) for any project, unless a project contains four or more stories and provides at least 75 percent of its parking underground. In that case, a density bonus of twenty percent per incentive point is allowed. The proposed building exceeds the four-story threshold. While only 60% of the 86 parking spaces are located below ground, all of the parking will be enclosed in the building, which in staff's opinion satisfies the intent of the incentive provision and makes the project eligible for the 20% per point allowance. The density bonus would suggest 45.6 units per acre to be developed on the site with a twenty percent bonus above the 38-unit benchmark using the one incentive point. The 45.6-unit per acre density would result in 32 units being built on this 0.72-acre parcel. The 91.67-unit per acre density of this project is twice the density bonus the project could be provided based on the points it has earned. However, the ordinance allows the Plan Commission and Common Council to approve the planned unit development based on the overall merits of the project and density proposed.

ANALYSIS & CONCLUSION

The applicants propose demolition of a one-story auto-repair building to facilitate development of a five-story, 66-unit condominium building. A windshield survey of the existing building by staff found the condition of the building and site to be commensurate with its age and use as an

auto repair and storage business. Staff has no information that would indicate that the building is not structurally sound or capable of being rehabilitated or repaired. However, staff believes that the proposed alternative use of the site will allow it to be more economically productive for the foreseeable future. Further, the proposed condominium project will achieve many of the goals outlined for this block of E. Mifflin Street in various City and neighborhood plans.

Consistency with Adopted Plans

The proposed project is a five-story structure with the top two stories set back about twenty feet from a three-story front facade located about 11 feet from the sidewalk. The overall net density of this 66-unit condominium on a 0.72-acre site is about 92 units per acre.

As noted in the “General Information” section, the Comprehensive Plan recommends the area bounded by Blair, E. Mifflin and Livingston streets and E. Washington Avenue for Community Mixed Use development—a recommendation that would support both residential and commercial buildings, as well as mixed-use buildings. There are no fixed height or bulk standards established for Community Mixed Use districts, and the design recommendations for these districts need to be specified in more detailed neighborhood or special area plans. It is generally expected that residential densities in Community Mixed Use districts would not exceed 60 units per acre, but smaller areas of higher density may be recommended in detailed neighborhood or special area plans provided that the development is also compatible with the scale and character of the surrounding uses and neighborhood. Currently, there are two separate small-area plans being prepared that include this block, but neither have been formally submitted to the City for review or adoption at this time.

The draft East Washington Avenue BUILD Capitol Gateway Corridor Plan is being prepared by a consultant for the Department of Planning and Development, under the guidance of a steering committee comprised of property owners, neighborhood leaders, City staff and others. The plan makes broad land use recommendations and more-detailed design recommendations for the blocks along both sides of E. Washington Avenue between Blair Street and First Street. The Capitol Gateway Corridor Plan recommends the subject block for Community Mixed Use development and further specifies “Residential/Employment” uses on the E. Mifflin Street frontage. Design recommendations in the draft plan include a maximum eight-story height limit on the interior of the block, with a “45-degree” step-back for all stories above the third story on the E. Mifflin Street frontage, and a lesser step-back on the E. Washington Avenue frontage. The plan notes that the scale of developments should be compatible with new residential buildings on the west side of E. Mifflin Street. The proposed development appears to comply with the draft plan recommendations, with an 11-foot setback off of E. Mifflin Street, a three-story element adjacent to the street, and a 45-degree stepback between the top of the third-story parapet and the cornice on the front of the fifth story.

The project is also located within the limits of Tenney-Lapham neighborhood, which is in the process of revising their 1995 neighborhood plan with limited assistance from Planning Unit staff. The Tenney-Lapham Neighborhood Plan also recommends Community Mixed Use development on the E. Washington Avenue frontage of this block, but specifies that developments on the E. Mifflin Street frontage should be residential only by designating that half of the block for medium-density residential uses at 26-40 units per acre. The plan recommends similar medium densities on the north side of E. Mifflin Street, in contrast to the High-Density Residential (41-60 units per acre) recommended in the Comprehensive Plan. The Planning Unit has advised the neighborhood that the proposed density recommendations may be unrealistically low for this location, particularly on the south side of E. Mifflin Street.

The draft Tenney-Lapham Neighborhood Plan generally encourages residential development along the south side of E. Mifflin Street to serve as a buffer between community mixed-use and commercially oriented development along E. Washington Avenue into the neighborhood to the north. The plan calls for maximum building heights along E. Washington Avenue not to exceed six stories, stepping down to three stories along E. Mifflin Street to better relate to the lower-scale buildings to the north. Front setbacks along E. Mifflin Street should mirror similar setbacks elsewhere along the street. The plan recommends that parking be limited in development in the 600- and 700-blocks to 1-1.5 spaces per unit. In general, the Planning Unit believes that the scale and massing of the project largely conform to the draft tenets of the revised Tenney-Lapham Neighborhood Plan, especially in respect to the height of the building, the ratio of off-street parking and the setback from E. Mifflin Street proposed.

The recommendations for this block made in both the draft Capitol Gateway Corridor Plan and the draft Tenney-Lapham Neighborhood Plan would be generally consistent with the Community Mixed Use recommendation in the Comprehensive Plan. However, the recommendations in the two draft plans are not fully consistent with each other, and this inconsistency will have to be resolved before these plans are adopted. Despite the inconsistencies, however, the Planning Unit considers the recommendations in both draft plans to be generally supportive of the proposed project. The residential use along E. Mifflin is consistent with both the Residential/Employment recommendation in the draft Capitol Gateway Corridor Plan, as well as the Residential recommendation in the draft Tenney-Lapham Neighborhood Plan. The three story building height on the E. Mifflin frontage is also consistent with both draft plans, and the 20-foot step-back of the fourth and fifth stories is consistent with the 45-degree step-back recommended for the E. Mifflin Street frontage in the draft Capitol Gateway Corridor Plan. The 11-foot set back of the building from the sidewalk appears to be consistent with both draft plans.

The proposed 92 unit per acre net density is outside the typical range anticipated in most Community Mixed-Use districts, but is consistent with the recommendations for the site

included in one of the two more-detailed draft plans currently being prepared. The 600-block is directly adjacent to both the Downtown District, where average densities are considerably higher than elsewhere in the community, and to the E. Washington Avenue corridor, which is being planned as a relatively high-density extension of the downtown employment and mixed-use core.

At this location, residential densities greater than 60 units per acre are reasonable and consistent with the policy intent of the Comprehensive Plan to concentrate density downtown and along major transportation corridors. The draft Capitol Gateway Corridor Plan does not make a specific residential density recommendations for this block, but, as noted in the Comprehensive Plan, and particularly at higher densities, building design and compatibility often become much more important than nominal density in determining whether or not a proposed development is consistent with the intent of plan recommendations. The draft Tenney-Lapham Neighborhood Plan recommends medium-density residential uses on the E. Mifflin Street half of this block, but this density appears low, both for the location, and for the building types that would be supported by the design recommendations.

The proposed building height, setbacks, upper-story step-backs, and general design character of the project appear to staff to be largely consistent with the design recommendations included in the two draft small area plans currently being prepared – although the density is significantly higher than recommended in the draft Tenney-Lapham plan. Staff considers the project to be well designed and to provide a good transition to the lower-scale buildings that exist or may be developed on the north side of E. Mifflin Street. While the density proposed in the draft Tenney-Lapham Neighborhood Plan is much lower than the density of this project, staff believes that the Capitol Gateway Corridor Plan provides more realistic recommendations for this location. Until the inconsistencies are resolved at the time that these draft plans are reviewed and adopted, staff would be comfortable with a conclusion that the density of the proposed project is sufficiently consistent with the Comprehensive Plan. The net density of residential developments within Community Mixed Use districts may exceed 60 units per acre if the project is consistent with the more detailed recommendations of a neighborhood or special area plan and is compatible with the surrounding uses and developments.

Staff believes that the project will meet all of the standards for planned unit developments found in the Zoning Ordinance.

The Urban Design Commission (UDC) reviewed the project and recommended final approval on May 24, 2006.

RECOMMENDATION

The Planning Unit recommends that the Plan Commission forward Zoning Map Amendment 3188, rezoning 627 E. Mifflin Street from C3 (Highway Commercial District) to Planned Unit

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Development, General Development Plan/ Specific Implementation Plan (PUD-GDP-SIP) to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the applicants submit a final Inclusionary Dwelling Unit Plan for approval and recording as part of the PUD-GDP-SIP for the project that includes a complete IDUP, marketing plan and Land Use Restriction Agreement (LURA).