



Report to the Plan Commission

February 7, 2011

Legistar I.D. #20963
416-424 West Mifflin Street
Demolition and Rezoning

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of the demolition of a one-story commercial building at 416 West Mifflin Street and a single family home at 424 West Mifflin Street, and a rezoning of property from R6 (General Residence) District to PUD-SIP (Planned Unit Development-Specific Implementation Plan) to construct a four-story building with 46 residential units.

Applicable Regulations & Standards: Section 28.12(12) provides the requirements for demolition requests. Section 28.12 (9) provides the process for zoning map amendments. Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Development Districts.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolitions, zoning map amendments, and planned unit developments can be met and forward the request to the February 22 meeting of the Common Council with a recommendation for **approval** to rezone 416-424 West Mifflin Street from R6 to PUD-SIP, subject to input at the public hearing and conditions from reviewing agencies.

Background Information

Applicant/ Property Owner: Pat McCaughey; McCaughey Properties and Mifflin West LLC; 646 West Washington Ave.; Madison

Project Contact: John Bieno; TJK Design Build; 634 West Main St.; Madison

Proposal: The applicant proposes the demolition of a commercial building and single-family home, and a rezoning from R6 (General Residence) to PUD-SIP (Planned Unit Development- Specific Implementation Plan) in order to build a four-story residential building with 46 apartment units. The applicant hopes to begin work in May 2011 and complete the project for December 2011 occupancy.

Parcel Location: On the north side of West Mifflin Street, between Bassett Street and Broom Street, the existing properties comprise 17,100 square feet; Aldermanic District 4 (Verveer); Madison Metropolitan School District.

Existing Conditions: The smaller 4,100 square foot parcel has an existing 5-bedroom single family home constructed in 1890. The 2-story, 1,620 square foot structure is in poor condition, as evidenced by the photos submitted with the application. The larger 13,000 square foot property has a vacant, one-story commercial building approximately 4,500 square feet in size. The building was constructed in 1961, and is in fair condition. Neither structure is historically significant. A single asphalt surface parking lot with access from West Mifflin Street lies between the buildings and behind the house.

Surrounding Land Use and Zoning:

Northeast: Along West Mifflin Street, three houses with 3 to 6 units apiece in the R6 (General Residence) district, constructed as houses in the late 1800's and early 1900's.

Southeast: Across West Mifflin Street, houses with 1-6 units apiece in the R6 (General Residence) and PUD(SIP) districts.

Southwest: Adjacent to the subject property, a 3-story, 78-unit apartment building constructed in 1973, with surface parking in front of it. Further to the south, houses with 2-3 dwelling units apiece, all in the R6 (General Residence) District.

Northwest: Directly behind the subject property and facing West Dayton Street, a 4-story, 21-unit condominium building developed by the applicant in 2008 under PUD(SIP) zoning.

Adopted Land Use Plans: The Comprehensive Plan (2006) includes this property within the Mifflin-Bassett Downtown Residential Sub-area, where mixed-use and multi-family residential buildings two to four stories tall and consistent with the predominant scale of buildings in the area are recommended.

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

Public Utilities and Services: The area is served by a range of urban services and Metro Transit Routes.

Zoning Summary:

Bulk Requirements	Required*	Proposed
Lot Area	21,150 sq. ft.	17,255 sq. ft.
Lot width	50'	130.24' proposed
Usable Open Space	3,850 sq. ft.	To be shown on final plans (See Condition No. 17, p. 11)
Front yard	20'	11' (See Condition No. 13, p. 11)
Side yards	11'	9'RS, 9'LS (See Condition No. 13, p. 11)
Rear yard	30' or 45% of building height	14'
Floor area ratio	2.0	3.2
Building height	3 stories / 40'	4 stories/ 43'

Site Design	Required	Proposed
Number parking stalls	45	24
Accessible stalls	1	1 (See Condition No. 14, p. 11)
Loading	1 – (10' x 35' area)	None (See Condition No. 18, p. 11)
Number Bike Parking stalls	36	53 (See Condition No. 15, p. 11)
Landscaping	No	Yes
Lighting	Yes	(See Condition No. 16, p. 11)

Other Critical Zoning Items	
Urban Design	Yes
Historic District	No
Landmark Building	No
Floodplain	No
Utility Easements	Yes
Waterfront Development	No
Adjacent to park	No
Barrier Free (ILHR 69)	Yes

**This project is being rezoned to the (PUD) district, where there are no predetermined bulks or site design requirements. Staff has reviewed the project based on the criteria for the R6 district, because of the surrounding land uses.*

Compiled by Pat Anderson, Assistant Zoning Administrator

Project Description

Existing Conditions

The 0.4-acre property is comprised of two parcels with shared access from West Mifflin Street. The larger 13,000 square foot parcel has a vacant, one-story commercial building approximately 4,500 square feet in size on the northeast portion of the lot, and an asphalt surface parking area lies between the two buildings. The commercial building was constructed in 1961, is in fair structural condition, but has a history of minor property maintenance infractions.

A 5-bedroom single-family home constructed in 1890 sits in the southern corner of the property on the smaller 4,100 square foot parcel, and the asphalt surface parking area comprises the rear portion of the lot. The 2-story, 1,620 square foot structure is in poor condition, and neither the Preservation Planner nor the Landmarks Commission found that it is historically significant.

Description of Proposal

Following a complete demolition of both existing buildings and asphalt surface parking areas, the applicant proposes a redevelopment of the site with a 4-story, 46-unit multi-family building with a mix of efficiencies, one-bedroom, and two-bedroom apartments. The proposed density is 117 dwelling units per acre.

Building Bulk and Placement-

With 54,500 gross square feet, the 4-story building is approximately 120 feet wide and 106 feet deep. Set back approximately 12 feet from the front property line, the building maintains a minimum 5-foot side yard on both sides, and the majority of the left (southern) side yard is at least 10 feet. The building face is 15-feet from the rear property line, although the roof of the underground parking area extends to within 8 feet of the rear property line. The highest parapet of the building is approximately 50 feet from grade, with minimal variation in the parapet height across the top of the building.

The rear and sides of the building have only very slight variation in plane, and the front of the building is articulated with changes in plane ranging from 2 feet to 8 feet. At the fourth floor, private balconies 6 feet deep at the corners and in the middle of the building provide for a subtle fourth floor stepback effect on the front façade.

Parking and Access-

A single driveway near the north side of the building leads through an inset overhead door to an underground parking area with 24 vehicle parking spaces. 46 bicycle parking stalls are shown within this area, 16 of which would be in a stacked arrangement, appropriate for longer term storage. 4 additional covered bicycle stalls are proposed in front of the building within an area accessed through a small overhead door adjacent to the larger overhead door leading to the underground parking area. Finally, two open bicycle stalls are provided in front of the building for short term storage and visitors.

Sidewalks lead from the public sidewalk to front entrances, and a 5' sidewalk along the entire north side of the building leads to a rear terrace, as well as a service entrance to the trash storage area.

Open Space and Stormwater Management-

Despite its lot coverage, the proposed building would actually decrease the amount of impervious area on the site, since the existing buildings are surrounded by an asphalt parking lot. The final drainage plans will be required to meet all city stormwater management regulations.

Open space calculations have been estimated by staff, and will need to be provided by the applicant on final plans, as indicated in comments by Zoning staff. The primary open space provided is a common linear space in the rear yard, where a terrace 7 feet wide extends the length of the building, approximately 4 feet above grade. Behind this is an 8-foot wide densely landscaped strip to help create

a separation between this property and the condominium property immediately behind it. In addition, 15 of the units have single small balconies, and 3 of the units have two small balconies (all private balconies are at least four feet deep). Finally, a grassy strip along the south side of the building provides approximately 1,000 square feet of open space. Taking into account this strip, as well as the private and shared balconies, the total usable open space is nearly 2,800 square feet, approximately 60 square feet per unit.

Entries and Openings-

The main entry to the building is located at grade on the south side of the front of the building facing West Mifflin Street, leading through a small interior lobby to the elevator and stairwell. Submitted plans for the main entrance show a single glass door surrounded by glass panels, with a gabled roof element. The three first level units facing West Mifflin Street have additional front entries from front porches approximately 4 feet above grade. Three private and two public exits lead to the common terrace on the rear of the building, also approximately 4 feet above grade. A service entrance to the trash area is located on the right side of the building near the rear.

The aluminum-clad windows are provided at regular intervals, and include a variety of single, double, and triple windows. Transom window panes provide accents on all facades of the building.

Recent revisions to the plan show the overhead door leading to the underground parking area inset 25 feet from the face of the building (39 feet from the front property line), minimizing its presence on West Mifflin Street. A smaller opening just left of the main overhead door leads to a covered area with four bicycle parking stalls.

Exterior Materials-

In the most recent plan set, the applicant has proposed a wide variety of exterior materials, including a split faced concrete masonry unit base and a mix of horizontal, vertical, and flat panel "Smartside" siding cladding the rest of the building (brick portions of the building previously proposed have been replaced with fiber cement). Window are aluminum clad, and have precast stone heads and sills. Prefinished metal railings, stained cedar terraces over the upper balconies and rear shared terrace, and standing seam metal roof accents round out the exterior of the building.

On the West Mifflin Street elevation, the use of building materials, color, and articulation separates the building into seven different vertical elements, alternating between elements comprised of horizontal siding and elements comprised of a combination of flat panel and vertical siding.

Landscaping-

Front yard landscaping in front of the porches includes low perennial and groundcover plantings, viburnum shrubs, and two red maples (a third was removed for fire access). The right (northern) side yard is essentially used as a sidewalk, with a very narrow grassy strip. The left (southern) side yard is a wider, usable grassy strip with three beech trees. The landscaped strip in the rear yard operates as a low-maintenance screening feature between this property and the multifamily building to the rear. It includes two river birch trees and three serviceberries on a mix of stone mulch and bark mulch.

Unit Type and Mix-

The building is comprised of 4 efficiencies, 31 one-bedroom units, and 11 two-bedroom units, for a total of 57 bedrooms (1.24 bedrooms per dwelling unit). The units are relatively large when compared to recently reviewed Planned Unit Development proposals, with an average of over 750 square feet of living space per unit (600 square feet of living space per bedroom). A variety of sizes and amenities among the units will provide for housing choices, and likely a varied rent structure within the building.

Evaluation

Related Approvals

This proposal has been reviewed by the Urban Design Commission for consistency with the standards and guidelines for a Planned Unit Development. After several changes following a September 2010 Informational Presentation, the UDC granted **initial approval** for the proposal at their December 15 meeting. The report from the December 15 meeting (included), noted several recommendations, including:

- Simplify architecture, especially on the front façade. The proportions of brick on the front elevation need attention in contrast with the variety of other materials. Need to pick one more over the others, as there are currently too many changes in material/color without associated changes in the building plane. The treatment of the rear façade is more successful than the front, which is too broken up. *(materials on the front façade have been somewhat simplified, although brick has been entirely removed from the building in the latest plans submitted)*
- Provide a shed/flat roof element instead of a gabled roof over the main entrance of the building. *(this has not changed)*
- The use of block around the garage door and base of the building is too massive. Replace concrete block base with an alternative material more appropriate for the pedestrian setting, such as large brick. *(concrete block is still used on the base of the building and surrounds the garage door, although the door itself has been inset 25 feet from the face of the building)*
- Relocate one of the staged front entries further to the left *(this has been accomplished in most recent plan set)*.

The applicant has submitted revised plans since the December 15 UDC meeting which begin to address some of the above concerns. However, staff expects that the design details will still need to change in order to fully address UDC concerns, as well as Planning Division staff concerns detailed in the "Building Exterior" section below. If recommended by the Plan Commission for approval, the applicant intends to submit revised plans to the UDC for their February 16 meeting to seek final design approval.

Land Use

Demolition- As mentioned, both of the existing structures are in relatively poor condition, and would be very difficult to renovate or relocate for productive use. Beyond this, they are not strong contributors to the unique collection of houses used primarily as student residences, which line the southeast side of the street along this block, and dominate both sides of the 500 block of West Mifflin Street. The existing commercial building is an obvious outlier, ripe for removal and replacement. It would be more difficult to support demolition of the house were it not for its isolated location between two larger, "outlier" buildings, and its poor structural condition. As mentioned above, the Historic Preservation Planner and Landmarks Commission found no historical significance in the building upon their review of proposed demolitions.

Consistency with Adopted Plans-

The Comprehensive Plan (2006) includes this property in the Mifflin-Basset Residential Sub-District, which is dominated by 2-3 story student-oriented residential buildings and larger infill development. The Plan recommends 2-4 story residential and mixed-use buildings for this area, noting the importance of complementing the scale and mass of nearby buildings. At 50 feet tall, the proposed building is consistent with the recommended 4-story height limit for the area, but could perhaps improve its

relationship with the 2 ½ story house immediately to the north, if the corners of the 4th floor were stepped back more significantly.

As mentioned, the proposed building has a residential density of 117 units per acre. The Comprehensive Plan recommends a density of “60 or more” units per acre for multifamily housing in this area. Without an upper limit, this recommendation essentially relies on the four-story height as a default density limitation. For reference, the current net residential density of the 400 and 500 block of West Mifflin Street is approximately 45 units/acre, although the apartment building immediately south of the subject property has a 129 unit/acre density. Staff believes that the density proposed can be appropriate for this particular location in a well-designed, well-managed building.

While not yet adopted, it is certainly worth mentioning the Downtown Plan currently underway with regard to this proposal. Throughout the Downtown Planning process, this two-block stretch of West Mifflin Street has been a focus of discussion by students, alumni, downtown residents, and others. Many participants in the planning process have made clear the interests in preserving the existing buildings (or allowing for replacement with buildings of a similar scale and form) along this stretch of West Mifflin Street, while others prefer allowing the area to redevelop over time with new and different building forms. Many have an interest in maintaining affordability and the “student” culture prevalent in the area, which may or may not be consistent with the preservation of the current building forms. Draft recommendations include a maximum height of 3 stories at this specific location, increasing to 6 stories for the properties facing Broom Street just to the northeast. In any case, these properties, as well as the apartment building immediately to the south, are envisioned as redevelopment opportunities.

Notably, these midblock properties are already distinct from the rest of the 400 and 500 blocks of the street, and would continue to be if this proposal is approved. As the Downtown Plan recommendations are finalized and adopted, the construction of the proposed building would not preclude the preservation of the predominant house-like building form in the core of the West Mifflin Street district. If approved, the proposed demolition and redevelopment should not be perceived as a precedent for the rest of this unique area.

Residential Units-

This proposal would introduce to the immediate area a new rental housing opportunity, intended by the applicant for a wider market of young professionals, graduate students, seniors, and families. The mix of relatively large efficiencies, one-bedroom, and two-bedroom units vary in size, and may provide opportunities for longer-term tenants to move within the building over time, although households larger than two and families with children are unlikely due to the lack of three-bedroom units. The applicant may pursue the incorporation of a small number of three-bedroom units through interior changes to the building.

In contrast, most of the houses on these two blocks of West Mifflin Street have been divided into rental units with a range of one to five bedrooms per unit. Most were constructed in the late 1800's and early 1900's, and in recent decades have been consistently attractive for the student rental market, despite their age and various states of repair. To the rear of this proposed project the same developer has built another four story multi-family structure facing Dayton Street. Just across Broom Street to the east are the recently constructed Metropolitan Place condominiums, yet another very different housing type in the area.

Site and Building Design

Building Bulk and Placement-

The proposed building is larger and taller than any on the block, yet respects the rhythm of the street by integrating multiple entrances on the front of the building. The bulk of the building is visually broken up through articulation of the front façade and the use of a variety of materials and colors. As noted under

“Building Exterior” below, staff recommends that the applicant consider a simplification of the materials, so that the resulting building has three to four visual sections, rather than the seven proposed.

The building is placed a minimum of 12 feet from the front property line, which is similar to the setback of houses a few properties to the south, as well as houses on the 500 block of West Mifflin Street. The proposed side yards provide adequate pedestrian access to the rear of the building, as well as a viable open space on the south side. While the building is placed relatively close to the rear lot line, it abuts a multifamily building with similar bulk, and a well-landscaped rear yard as proposed should provide for adequate separation.

The highest parapet of the proposed building is approximately 50 feet from grade, while the apartment building and house flanking it are approximately 36-38 feet tall at their highest points. From the viewpoint of a pedestrian walking by, the relationship between this building and the 3-unit, 2 ½ story house immediately to the north could be improved if portions of the fourth floor were to be stepped back more significantly. This could also remove some of the massing from the street, and provide additional articulation to the building. The applicant notes that options for more significant fourth floor stepbacks are currently being explored.

Parking and Loading-

In an area dominated by rear yard surface parking lots, the underground parking area proposed for automobiles and bicycles is a welcome change. With the central location and easy access to transit, the proposed parking ratio of 0.52 stalls per unit is likely to be adequate. When allowing for a portion of the bicycle stalls to be stacked racks, there will be at least one bike parking stall per bedroom, which is often required for residential Planned Unit Development projects. Finally, the applicant has indicated that if there is a demonstrated need for moped parking in the future, a parking stall could be removed to accommodate it in the rear left corner of the parking area, currently shown as a “dead” space. Staff believes that this change could be handled at the administrative level if so warranted.

There is no formal loading zone provided on the plans, and as noted in Zoning comments, the applicant will need to seek approval for on-street loading for deliveries. The 8’ by 5’ elevator, which can be accessed in the underground parking area, should accommodate most items during move-in and move-out times, although some tenants will likely need to utilize West Mifflin Street.

Open Space and Stormwater Management-

At approximately 60 square feet per unit, this proposal provides small, high-quality usable open spaces using a mix of private balconies, a shared rear terrace, and a shared strip of greenspace on the left side of the building. While 60 square feet per unit is smaller than the 70 square feet per bedroom required in the R6 zoning district, it is generally consistent with or greater than the amount provided in many recently approved downtown projects.

The proposed building will reduce the amount of impervious area on the site when compared to the existing condition by replacing a portion of the existing asphalt surface with landscaped and grass-covered strips behind and beside the building. As is typical, Engineering staff will review and approve drainage plans for the site and ensure that all stormwater requirements can be met.

Building Exterior-

Important adjustments should be made to the building exterior before the applicant returns to the Urban Design Commission to seek a recommendation for final approval. When working on design iterations and details, the applicant should seek to retain the vertical articulation of the building through changes in materials and color to match changes in the plane of the building, and ensure that the multiple entrances and porches on the front of the building remain.

- While the fiber cement proposed for the building is appropriate for some sections, staff believes that brick should comprise a significant portion of the façade. Staff agrees with the Urban Design Commission recommendation to simplify the materials used, but believes that instead of removing the brick, one of the fiber cement siding variations should instead be removed. In general, the overall proportion of brick should be similar to the proportion of horizontal fiber cement paneling shown on the proposed elevations. Staff believes that this adjustment can be made for final consideration and approval by the UDC, so long as brick is reintroduced and the vertical articulation of the building through use of materials is maintained.
- The applicant has been encouraged to explore opportunities to step back portions of the fourth floor of the building. Staff acknowledges that a more significant setback, especially on the corners of the front façade, could provide for a better relationship to the adjacent 2 ½ and 3 story buildings, and could help to address general concerns about the height of the building. After listening to testimony at the public hearing, the Plan Commission should decide whether or not to recommend a fourth floor setback as a condition of approval (see Condition of Approval No. 7).
- Subject to the changes above, the applicant could further explore opportunities to simplify the front façade into three or four vertical “sections”, rather than the seven visual sections currently proposed, in order to better match the “rhythm” of the 33-foot lots along West Mifflin Street.
- The applicant should examine the need for the narrow overhead door currently leading to four covered bicycle stalls. This feature may be unnecessary, and the stalls might be more appropriately used as visitor stalls in the open.
- As recommended by the UDC on December 15, the gabled roof feature above the main entry should be further explored, and replaced by a more appropriate feature for review and approval by the UDC.

Landscaping-

Staff believes that the landscaping proposed is adequate, providing a combination of screening, foundation plantings, and lawn. Future recommendations by the Urban Design Commission should be followed by the applicant, and reflected on final plans.

Criteria for Approval of Planned Unit Development Zoning

As outlined below, staff believes that the criteria for Planned Unit Development zoning can be met following small changes to reflect recommended conditions of approval.

MGO Section 28.07(6)(f) - PUD Criteria for Approval

a) Character and Intensity of Land Use- Staff believes that the proposed building, while taller and larger than many on the block, is compatible with other buildings in the area, and appropriate based on adopted and draft plans for the area. The articulation of the front façade and the use of multiple front entrances respects the rhythm of the houses nearby. The design of the building and the use of high quality exterior materials should provide for sustained aesthetic desirability. Finally, the proximity to major activity centers and transit makes it less likely that residents will need to frequently utilize cars, and the provision of underground automobile and bicycle parking should adequately serve their needs, mitigating some of the negative effects of the high density proposed.

b) Economic Impact- The proposal should not significantly increase the cost of municipal services, and will significantly increase the value of the subject property.

c) Preservation and Maintenance of Open Space- The proposal would result in a net loss of impervious surface through the replacement of asphalt with landscaped areas, and maintains a small but high-quality usable open spaces for tenants.

d) Implementation Schedule- Since this is a proposed PUD-SIP for one project, rather than one of many phases, this standard is less applicable.

Public Input

Over the course of six meetings with the applicant, the Mifflin West Steering Committee is cautiously supportive of this project (see enclosed letter). The head of the Steering Committee has noted that the applicant came to the neighborhood early in the process, and has attended at least six meetings with the steering committee and two with the larger neighborhood association. Throughout the process, the steering committee members have agreed that the site is appropriate for demolition and redevelopment, but have discussed the proposed four-story height of the building (some members are supportive, while others express concerns). At a mid-January meeting, the Steering Committee voted 11-3 in support of the proposal. At the time of this report, their official position letter has not been received, but will likely be included in the Plan Commission materials.

Over the course of the past two weeks, a group of UW students who live on Mifflin Street have raised concerns about the affordability of the project as proposed, stressing a desire to maintain the 400 and 500 blocks of Mifflin Street primarily for student housing in rehabilitated structures similar to that which exist today. Many students and other interested individuals (most recently over 4,000) have joined in an on-line social networking effort to "Save Mifflin" as a reaction to this proposal. Although a majority of these are not Mifflin Street residents, (and some are not Madison residents) the strong interest in maintaining student housing opportunities on Mifflin Street is evident. A small group of students met with Planning Division staff on January 31 to discuss this specific proposal as it relates to the broader Downtown Planning process, and were encouraged to contribute their thoughts and recommendations to the Downtown Plan as well.

The District 4 Alder is concerned about the four-story height and mass of the proposed building, and has suggested a stepback for the fourth floor, in order to reduce the perceived mass as experienced from West Mifflin Street.

Conclusion

The proposed development is consistent with the Comprehensive Plan (2006) recommendations for mixed-use and multi-family residential buildings 2-4 stories tall in this area. While the draft Downtown Plan recommendation for these properties is for a 3-story height limit, the site is appropriate for redevelopment, and is distinct from other properties along the 400 and 500 blocks of West Mifflin Street. Staff believes that this proposal, if approved, will not set a precedent for the remainder of the area, nor will it preclude a variety of potential Downtown Plan recommendations for the area.

On balance, staff believes that the standards for demolition approval are met, and with the recommended conditions of approval, the proposal can meet the high standards for Planned Unit Developments.

The Planning Division recommends that the Plan Commission find that standards for demolition approval, rezoning, and Planned Unit Developments can be met, and forward this request to the February 22 meeting of the Common Council with a recommendation for **approval**.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation

The Planning Division recommends that the Plan Commission find that standards for demolition approval and rezoning to PUD-SIP (Planned Unit Development-Specific Implementation Plan) can be met, and forward this request to the July 20 meeting of the Common Council with a recommendation for **approval**.

Planning Division (Contact Heather Stouder, 266-5974)

1. A revised zoning text shall be prepared by the applicant and approved by staff to incorporate updated information based on the final approval. Notes regarding surface parking shall be removed.
2. Prior to acquiring a demolition permit, the applicant shall provide proof of financing for the implementation of the project as proposed in the form of an executed construction contract and a letter of commitment from a lender, for approval by the Director of the Department of Planning and Community and Economic Development.
3. Bicycle parking stalls shall be provided at a ratio of at least one stall per bedroom, and may include a proportion of stacked bicycle racks in the underground parking area, as reviewed and approved by staff.
4. In final plans submitted for review and approval by the Urban Design Commission and staff, the applicant shall reintroduce brick as a significant proportion of the exterior of the building, removing at least one of the varieties of fiber cement currently proposed. All exterior materials shall be clearly and accurately labeled on final elevation drawings.
5. In final plans submitted for review and approval by the Urban Design Commission and staff, the applicant shall replace the roof feature over the main entry with a more appropriate design to complement the flat-roofed building.
6. In final plans submitted for review and approval by staff, the applicant may include a small number of three-bedroom units. In the future, interior changes to allow for three-bedroom units can be handled as a Minor Alteration to the PUD.
7. In final plans submitted for review and approval by the UDC and staff, the applicant shall provide a more significant fourth floor stepback which relates better to adjacent buildings yet does not detract from the vertical articulation of the building.
8. The applicant has indicated that if there is a demonstrated need for moped parking in the future, a parking stall could be removed to accommodate it in the rear left corner of the parking area, currently shown as a "dead" space. Staff believes that this change could be handled at the administrative level if so warranted. The Zoning Text shall include a provision which allows staff to order in the moped parking as determined by the Zoning Administrator in consultation with the Planning staff.
9. No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.
10. Signage approvals are not granted by the Plan Commission. All future signage proposed must be reviewed for compliance with MGO Chapter 31 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Zoning Administrator (Contact Pat Anderson, 266-5978)

11. 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.
12. MGO Section 28.12(12)(e) requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation for recycling and reuse within 60 days of demolition.
13. The final plans shall be consistent with the CSM that is in process also. The plans shall show all setbacks from proposed property lines.
14. Meet all applicable State accessibility requirements, including but not limited to:
 - a) Provide a minimum of one accessible stall striped per State requirements in the garage. The stall shall be a van accessible stall 8' wide with an 8' striped out area adjacent in the garage and in the surface lot.
 - b) Show signage at the head of the stalls.
 - c) Show the accessible path from the stalls to the building including ramps, curbs/wheel stops where needed to protect the path.
15. Provide 53 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plan. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area.
16. If exterior lighting is provided, it must comply with MGO Section 10.085 outdoor lighting standards. Lighting will be limited to 0.10 watts per square foot.
17. Provide details on usable open space. Show usable open space on plans with area calculations.
18. In regard to the provision of off-street loading berths, the applicant has not provided a designated off-street loading area for this project, and therefore requests a waiver of said requirement. It appears loading needs will be managed through a request for an on-street loading berth on West Mifflin Street.

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

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| <ol style="list-style-type: none">19. The sump pumping plan shall be submitted to City Engineering for approval. It shall be sealed by a PE or Master Plumber and shall be designed to accommodate flows from the 100-year event.20. Roof drains shall be connected to the storm sewer system.21. Applicant shall obtain a permit to plug the existing private storm lateral.22. Applicant / owner shall record necessary ownership transfers and the Certified Survey Map prior to issuance of occupancy permits.23. The owner has requested to reuse the address of 424 W. Mifflin Street for this project, which has been granted. Coordinate a final address plan for the 46-unit apartment complex build out with Lori Zenchenko of the Engineering Division Office of GIS/Mapping Services (addressing@cityofmadison.com, 266-5952). NOTE: This application noted a 45-unit apartment building, yet plans referenced 46-units. The applicant confirmed with staff this will in fact be a 46-unit plan. |
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24. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).
 25. The Applicant shall replace all sidewalk and curb and gutter which 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 (POLICY).

26. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
27. 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 Department- dkahl@cityofmadison.com pr 266-4816. 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 (POLICY).
28. All damage to the pavement on West Mifflin Street adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
29. The site plans shall be revised to show the location of all rain gutter down spout discharges (POLICY).
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 (POLICY and MGO 10.29).
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. For Commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acre, and contains a commercial building, 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 WDNR is required (NOTIFICATION).
33. The Applicant shall submit, prior to plan sign-off, 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:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Misc. Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) All Underlying Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words "unplatted"
 - h) Lot/Plat dimensions
 - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@cityofmadison.com . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))

34. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set (POLICY and MGO 37.09(2)).

PDF submittals shall contain the following information:

- a) Building footprints.
 - b) Internal walkway areas.
 - c) Internal site parking areas.
 - d) Lot lines and right-of-way lines.
 - e) Street names.
 - f) Stormwater Management Facilities.
 - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
35. 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 (MGO 10.05(6)).
36. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work (MGO 10.05(6)) and MGO 35.02(4)(c)(2)).
37. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction (MGO 37.05(7)).
38. Prior to approval of the rezoning application, 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. 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 / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff (MGO 16.23(9)(d)(4)).
40. 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. (POLICY)

Permits applications for Nos. 35-37 above are available on line at
<http://www.cityofmadison.com/engineering/permits.cfm>.

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

41. No residential parking permits shall be issued for 416, 420 & 424 West Mifflin Street, which is consistent with other projects in the area. In addition, the applicant shall inform all tenants of this facility of the requirement 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 should submit for 416, 420 & 424 West Mifflin Street a copy of the lease noting the above condition in the lease when submitting plans for City approval. Please contact William Knobloch or Bill Putman, Parking Utility at 266-4761 if you have questions regarding the above items.

42. The ramp down to underground parking should not exceed 8 percent of sloped and shall be designed to accommodate low-clearance vehicles for a transition. The applicant shall provide a profile of the ramp showing the slope's critical clearance, when plans are submitted for approval.
43. When the applicant submits final plans of one contiguous plan 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, 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 two (2) feet overhang, and a scaled drawing at 1" = 20'.
44. "Stop" and "No Left Turns" signs shall be installed at a height of six (6) feet to the bottom of the first sign at the driveway approach to Atwood Ave. and a "Stop" sign shall be installed at a height of seven (7) feet at the S. First St. and S. Second St. driveway approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
45. The driveway aisle shall be so designed so a minimum of 10 ft sight triangle on both sides of the driveway intersection with the public sidewalk for pedestrian safety. The 10 ft triangle projections will provide adequate vehicular vision clearance.
46. The applicant shall submit with the parking lot plans a letter of operation of the garage door to the underground parking area, and modify the ingress/egress showing a detail drawing of the area showing queuing of at least one vehicle of 20 ft. from the behind the property line to the garage door that will not be blocking the public sidewalk to the lake access.
47. The applicant shall design the surface or underground parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall for the commercial/retail area. The "One Size Fits All" stall shall be used for the residential parking area only, which is a stall 8'-9" in width by 17'-0" in length with a 23'-0" backup. Aisles, ramps, columns, offices or work areas are to be excluded from these rectangular areas, when designing underground parking areas.
48. 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", when plans are submitted for approval.
49. 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.
50. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Water Utility (Contact Dennis Cawley, 261-9243)

51. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.
52. This property is not in a Wellhead Protection District. The Water Utility will not need to sign off on the final plans, but will need a copy of the approved plans.

Fire Department (Contact Bill Sullivan, 266-4420)

53. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503, as follows: Fire lands shall be unobstructed; there are obstructions shown on the fire lane which must be removed. Examples of obstructions: including but not limited to parking stalls, loading zones, changes in elevation, power poles, trees, buses, fences or posts. The middle Red Sugar Maple tree along Mifflin Street will need to be omitted in order to use Mifflin Street as your required aerial access lane (*Note: Most recently submitted plans reflect the removal of the middle maple tree*).

Parks Divison (Contact Kay Rutledge, 266-4714)

54. The developer shall pay approximately \$96,323.32 in park dedication and development fees for the 46-unit apartment building; credit has been given for the existing single-family structure on the property. This development is within the Vilas-Brittingham Park impact fee district (S127).
55. The developer must select a method for payment of park fees before sign-off on the rezoning. The fees were calculated at the new 2011 rates. Based on the existing ordinance, park fees will be assessed based on the year in which they are paid if it is not 2011.

2011 Fee Calculation

fees in lieu of dedication = (46 mf units X \$1,554.00 per unit)	=	\$ 71,484.00
<u>park development fees = (46 mf units X \$613.83 per unit)</u>	=	<u>\$ 28,236.18</u>
	Subtotal fees: =	\$ 99,720.18
Less Credit = (1 sf unit x \$3,396.86 combined fee per unit)	=	\$ 3,396.86
Total fees	=	\$ 96,323.32

NOTE: 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.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.