



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 101 S. Mills Street  
**Application Type:** Zoning Map Amendment and Demolition Permit  
**Legistar File ID #** [33971](#) and [33913](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

## Summary

**Applicant:** Brad Koning, Shulfer Architects, LLC; 1918 Parmenter Street, Suite 2; Middleton.

**Property Owner:** Chris Etmanczyk, 101 South Mills, LLC; 6430 Bridge Road; Madison.

**Requested Action:** Approval of a request to rezone 101 S. Mills Street from TR-V1 (Traditional Residential–Varied 1 District) to TR-U2 (Traditional Residential–Urban 2 District) and approval of a demolition permit to allow demolition of a single-family residence and construction of a six-unit apartment building.

**Proposal Summary:** The applicant is requesting to demolish a two-story single-family home constructed in 1924 to allow construction of a three-story apartment building that will contain 6 units, including one unit with partial exposure on a lower, garden level. Construction of the apartment complex will occur as soon as all regulatory approvals have been granted, with completion scheduled for June 2015.

**Applicable Regulations & Standards:** Section 28.182 of the Zoning Code provides the process for zoning map amendments. Table 28C-1 of Section 28.032(1) identifies multi-family dwellings with up to 8 units as a permitted use in the TR-U2 zoning district. Section 28.185 provides the process and standards for the approval of demolition and removal permits.

**Review Required By:** Plan Commission and Common Council.

**Summary Recommendation:** If the Plan Commission can find that the proposed six-unit apartment building reflects the normal and orderly development of surrounding properties in due consideration of the recommendations of the adopted plans discussed in this report, it should recommend forward Zoning Map Amendment ID 28.022–00131, rezoning 101 S. Mills Street from TR-V1 to TR-U2, to the Common Council with a recommendation of approval and approve the demolition of the existing single-family residence, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 5 of this report.

## Background Information

**Parcel Location:** The subject site is a 50-foot wide and 120-foot deep parcel located at the southeastern corner of S. Mills and Milton streets; Aldermanic District 13 (Dailey); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The property is zoned TR- V1 (Traditional Residential–Varied 1 District) and is developed with a three-bedroom, two-bath single-family residence that faces S. Mills Street and a detached two-car garage located at the rear of the property, which takes access from Milton Street.

### Surrounding Land Use and Zoning:

North: Neighborhood House, zoned CI (Campus-Institutional District); Meriter Labs, zoned PD;

South: Vicinato Apartments (under construction), zoned PD;

East: College Station Apartments and McConnell Hall (Meriter Hospital offices, Bolz Auditorium), all zoned PD;

West: Village Co-housing, zoned PD; single- and two-family residences across S. Mills Street, zoned TR-V1.

**Adopted Land Use Plan:** The Comprehensive Plan recommends the S. Mills Street frontage of the Meriter campus for Low-Density Residential uses, including the subject site.

The subject site is located within the boundaries of the 2008 Greenbush Neighborhood Plan, which generally identifies most of the properties in the 1100-1300 blocks of Mound Street and 100-200 blocks of S. Mills Street for preservation and rehabilitation of selective existing housing stock (Area IV) at a density between 0-15 units an acre. The "Land Use Recommendations Plan" recommends that the east side of the 100-block of S. Mills (from Milton to Mound streets) for medium-density residential up to 25 units an acre. In general, new construction should be of high quality building design, materials and landscaping that is reflective of the historic architectural features of the neighborhood and low-density residential uses. Buildings and site designs are recommended to be welcoming to pedestrians, with street/ground level architectural features that make the building interesting and engaging to people walking, biking or driving by.

The site is also included in the Greenbush-Vilas Neighborhood Housing Revitalization Plan, which was adopted in 2010 with a number of strategies to increase the affordability and desirability of those neighborhoods for University and hospital employees, graduate students, and young families; introduce a range of housing options; and enhance the qualities that make the neighborhoods unique, including public spaces, tree-lined streets, and variety of established homes. The subject site was specifically identified as a potential site for a rental unit to be converted to homeownership but also as a site for large-scale redevelopment as workforce housing partially in response to the neighborhood transition zone included in the 2009 Meriter Hospital general development plan. The large-scale workforce housing recommendations for the 100-block of S. Mills Street were part of the basis for the approval of the adjacent Vicinato Apartments currently under construction immediately to the south.

**Zoning Summary:** The subject property will be zoned TR-U2 (Traditional Residential–Urban 2 District). A review of the project against the requirements of the proposed district will be provided in a separate memo prior to the Plan Commission hearing.

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor (Map D9).

**Public Utilities and Services:** The site is served by a full range of urban services, including seven-day Metro Transit service along S. Mills Street.

## **Project Description**

The applicant is requesting approval to rezone a 6,000 square-foot parcel at the southeastern corner of S. Mills and Milton streets from TR-V1 to TR-U2, and approval to demolish a three-bedroom, two-bath single-family residence to allow construction of a six-unit apartment building. The residence to be razed was constructed in 1924 and includes a detached garage accessed from Milton Street. Photos of the residence are included with the application materials and include captions suggesting that the structure suffers from deterioration of exterior masonry and the foundation.

The proposed apartment building will feature 5 two-bedroom units and 1 three-bedroom unit to be located on 3 stories above grade with a full basement/ garden level. The building envelope will measure approximately 27

feet parallel to S. Mills Street and 68 feet, 4 inches parallel to Milton Street, with a significant well to access the garden level proposed in the yard along Milton Street as well as smaller window wells on 3 corners to provide code-required egress from basement bedrooms. The main garden level access will be partially covered by a cedar trellis that will extend parallel to most of the northern façade of the building. A similar trellis is proposed along the southern wall where trash and recycling storage is proposed. The exterior of the building will be predominantly comprised of two-toned horizontal engineered wood siding, and will also include sections of engineered stone and 2 two-story corner elements.

Parking for the new building will include 2 standard auto stalls and 1 accessible stall to be located in the eastern, rear yard that will be accessed from Milton Street. Three moped stalls and approximately 12 bike stalls are proposed along the eastern and southern walls of the building.

## Analysis

The Planning Division believes that the Plan Commission can find the standards met for the demolition of the single-family residence. On one hand, the photographic evidence provided does not suggest that the condition of the existing structure is dissimilar to the condition of other residential buildings of similar vintage, which staff believes could be addressed through repair and renovation in keeping with one of the recommendations of the Greenbush-Vilas Neighborhood Housing Revitalization Plan that suggest that the existing single-family rental home be renovated and converted to homeownership. When informally reviewing the demolition proposal at its February 17, 2014, the Landmarks Commission “strongly regret[ed] the loss of historic value” and did not recommend demolition of the subject residence due to lack of sufficient information regarding the building. [Note: Applicants for demolitions are typically not present at Landmarks Commission meetings when these informal discussions occur.]

However, the demolition of the existing home and construction of an apartment building on the site would be consistent with other recommendations of the same plan, which suggest that the 100-block of the east side of S. Mills Street, including the subject site, be developed with workforce housing in large-scale buildings. An apartment building on the subject site would also be consistent with the emerging character of this blockface, which features the four-story Vicinato Apartments extending south to Mound Street. The longstanding three-story College Station Apartments to the east of the site and Meriter Labs and Neighborhood House institutional uses to the north also may suggest that a higher density use of the site is appropriate.

The applicant and property owner are seeking a somewhat significant increase in the zoning of the property to facilitate the proposed apartment building. The TR-U2 zoning requested to facilitate the development of the site as proposed is the most intensive residential zoning district outside the downtown zoning districts. While multi-family dwellings up to 4 units are permitted in TR-V1 zoning, and multi-family dwellings up to 8 units are permitted in the TR-V2 and TR-U1 districts, the bulk requirements (lot area, usable open space, yards, etc.) in those districts would not allow 6 units to be developed on the 6,000 square-foot corner site. The bulk requirements of the existing TR-V1 zoning as well as the TR-V2 zoning district would only allow a three-unit building to be built on the site, with 500 square feet of usable open space per unit compared to the 140 square feet required in the proposed TR-U2 district. While the TR-U1 district has less restrictive bulk requirements than the other two, it would still not allow the six-unit building proposed.

In addition to the bulk requirement differences in the four higher-density Traditional Residential zoning districts, the TR-V1 district is subject to a more restrictive family definition that permits no more than 2 unrelated persons in a unit. The TR-V2, TR-U1 and TR-U2 districts allow up to 5 unrelated persons in a unit. The occupancy of the proposed units is a concern that has been expressed in many of the comments received about the project

through the Greenbush Neighborhood Association, which are included in the Plan Commission materials. In those comments, which are generally supportive of the demolition and construction of an apartment building on the site, the occupancy of the building is a recurring concern due to potential impacts on the availability of on-street parking and neighborhood character. [The Traffic Engineering Division and Parking Utility are recommending a condition that the proposed six-unit building not be allowed residential parking permits because it does not meet their 1:1 parking stall to dwelling unit standard to qualify.]

While not opposed to an apartment building being constructed on the site, staff is similarly concerned with the character and intensity of the development proposed and its potential impacts on the normal and orderly development of the surrounding area. The 6 units proposed for the 6,000 square-foot site (0.138 acres) results in a density of 43.5 units per acre compared to the 25 units an acre maximum generally recommended for this block in the Greenbush Neighborhood Plan. The 3 units generally allowed in the existing TR-V1 zoning would be closest to this density recommendation; with a resulting density of 21.7 units per acre on the site (4 units would equal 29 units per acre). The density of dwelling units on a site or in a defined area can be an unreliable indication of development intensity and impacts on surrounding properties, and projects that exceed the residential density recommended in adopted plans are approved with some regularity. More recently, the *form* of new development has taken greater precedence than the number of units proposed, although the number of dwelling units and bedrooms can still be significant when issues like parking availability and open space are discussed.

In this case, staff has shared with the applicant and property owner concerns that the form of the proposed six-unit building may suggest a greater amount of development on the site than it can support. Features of the project that factored into this determination include the prominence of the garden level access that extends into the street side yard along the north wall of the building and the composition of the exterior of the building, which staff feels does not embody the recommendations in the Greenbush Neighborhood Plan that new construction generally be of high-quality design with materials and landscaping that is reflective of the historic architectural features of the neighborhood and low-density residential uses. The proposed six-unit building does not reflect the predominant character of the lower density areas of the Greenbush neighborhood primarily west of S. Mills Street, which features first floor front porches, gabled roofs and strong street-facing facades, nor does it similarly reflect the characteristics of the larger multi-family building forms to its east and south. While opinions about architecture may vary, staff feels that the garden level access projection into the yard along Milton Street most accentuates the sense that the building does not fit on the site despite its adjacency to existing and future large-scale apartment buildings to the east and south. Should the proposed building be approved, staff recommends that the design of the building be revisited to provide access to the proposed units from within the building and without the large depressed area adjacent to a street, which seems out of character with its surroundings.

The proposed building is also required to meet the Zoning Code building design/ form standards for small multi-family buildings in Section 28.172(6) of the Zoning Code. That section states:

*Building Type. A multi-story multi-family building with a central entrance oriented to the primary abutting street, containing four to eight units. Buildings of this type are sometimes designed to resemble a large single-family building with a pitched roof.*

*Access and Entry. The principal entry to the building shall be oriented to the primary abutting street. Each building shall include a stoop or porch or a common green or courtyard, oriented toward the primary street. Parking, loading and trash disposal may be accessed from an alley or common side yard driveway serving one or more buildings.*

*Massing and Articulation. Massing, proportions and articulation of small multi-family buildings shall respond to existing residential buildings in their vicinity, including features of those buildings such as roof pitch, proportions of windows and doors, and placement on the lot. Building facades shall be articulated vertically and horizontally for visual interest.*

## Conclusion

Staff believes that the Plan Commission can find that the request to demolish the single-family residence meets the standards for approval for a demolition permit despite a strong informal recommendation by the Landmarks Commission and an underwhelming case made by the project team regarding the condition of the structure. Demolition of the single-family residence and construction of an apartment building on the site would be consistent with recommendations in the Greenbush-Vilas Neighborhood Housing Revitalization Plan, which suggest that the subject site and remainder of the 100-block of S. Mills Street be redeveloped with large-scale multi-family housing, which the Greenbush Neighborhood Plan recommends be limited to 25 units an acre maximum.

However, staff is concerned that the form of the proposed six-unit does not fit with the character of its surroundings as generally recommended by the aforementioned plans and may not reflect the normal and orderly development of the surrounding area as required. Staff believes that an apartment building developed on this site should better reflect its surroundings and the site it will occupy. The Plan Commission should also consider the concerns raised by residents of the Greenbush neighborhood about the density of the building.

## Recommendation

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

If the Plan Commission can find that the proposed six-unit apartment building reflects the normal and orderly development of surrounding properties in due consideration of the recommendations of the adopted plans discussed in this report, it should recommend forward Zoning Map Amendment ID 28.022-00131, rezoning 101 S. Mills Street from TR-V1 to TR-U2, to the Common Council with a recommendation of approval and approve the demolition of the existing single-family residence subject to input at the public hearing and the following conditions:

### **Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

1. Revise the development plans prior to final staff approval and the issuance of demolition and building permits as follows:
  - a. Dimension the setbacks of the building on Sheet C101 from the property line to the nearest point on each wall;
  - b. Label the material and color of the panelized material on the building corners on Sheet A3.0;
2. The proposed building shall be designed to comply with the building design/ form standards for small multi-family buildings in Section 28.172(6) of the Zoning Code and with access to the proposed units to be provided from within the building. Any proposed garden level entry shall be removed from the side yard adjacent to Milton Street.

**The following conditions of approval have been submitted by reviewing agencies:**

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

3. Permeable pavement shall conform to Standard Oversight Committee standards to receive credit for TSS control.
4. The applicant is advised that the proposed sanitary main connection is to an asbestos concrete pipe and that the installer shall take appropriate precautions.
5. 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.
6. A City-licensed contractor shall perform all work in the public right of way.
7. All damage to the pavement on S. Mills Street or Milton Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
8. This area falls within the TMDL zone for the City of Madison. As a result, it will be subject to higher erosion control standards at the time of development, as authorized by State code and City resolution. You will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department of Natural Resources (WDNR).
9. 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.
10. 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.
11. For commercial sites less than 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 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.
12. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS off of the proposed development by 80% when compared with the existing site, and complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of MGO.
13. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.

14. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
15. 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.
16. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
17. 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.
18. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing lateral that serves a building that is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. Note: New plugging procedures and permit fees are in effect as of January 1, 2013.

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

19. The site plan shows 3 off street parking spaces to serve 6 units. This is less than a 1:1 ratio of parking spaces to residential units. A condition of approval shall be that no residential parking permits shall be issued for 101 S. Mills Street, which is consistent with other projects in the area. The applicant shall inform all tenants of this facility requirement in their apartment leases. In addition, the applicant shall submit a copy of the lease for 101 S. Mills Street noting the above condition when requesting final approval of the plans prior to issuance of permits.
20. When the applicant shall submit 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 and proposed property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.
  21. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City-owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
  22. The City Traffic Engineer may require public signing and marking related to the development; the developer shall be financially responsible for such signing and marking.

23. All parking facility design shall conform to the standards in MGO Section 10.08(6); parking stall dimensions are typically 9 feet by 18 feet.
24. Modify entrance width to match the width of parking stalls for which it will be used.

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

→ Zoning comments will be provided in a separate memo prior to the Plan Commission hearing.

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

25. Provide fire apparatus access as required by IFC 503 2012 edition, MGO Section. 34.503, as follows:
- a. Per MGO Sec. 34.503/IFC 503 Appendix D105: Provide an aerial apparatus access fire lane that is at least 26 feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30 feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.
  - b. Fire lanes shall be unobstructed; there are obstructions shown on the fire lane, which shall be removed. Examples of obstructions include, but are not limited to: parking stalls, loading zones, changes in elevation, power poles, trees, bushes, fences or posts.
26. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Lt. Scott Bavery of the MFD Training Division at 576-0600 to discuss this possibility.

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

27. The Madison Water Utility shall be notified to remove the water meter prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility in accordance with MGO Section 13.21.

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

28. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development lest a credit for the single-family residence to be demolished. The developer must select a method for payment of park fees before signoff on the demolition permit and rezoning. This development is within the Vilas-Brittingham park impact fee district (SI27). Please reference ID# 14131 when contacting Parks Division staff about this project.
29. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to final approval of the site plan.
30. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a site plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting



specifications can be found in Section 209 of *City of Madison Standard Specifications for Public Works Construction*.

31. Existing street trees shall be protected. Please include the following note on the site plan: "Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, the contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry." Tree protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*.

32. Approval of plans for this 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 provide comments for this request.