

# PLANNING DIVISION STAFF REPORT

March 3, 2025

PREPARED FOR THE PLAN COMMISSION



**Project Address:** 922-926 North Fair Oaks Avenue (District 12 – Alder Latimer Burris)

**Application Type:** Demolition Permits, Zoning Map Amendment

**Legistar File ID #** [86734](#) & [86991](#)

**Prepared By:** Colin Punt, Planning Division  
Report includes comments from other City agencies, as noted.

**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Travis Fauchald; Volker Development; 464 S Hickory St, Ste C; Fond du Lac, WI 54935

**Contact:** Kevin Burow; Knothe & Bruce Architects; 8401 Greenway Blvd, Ste 900; Middleton, WI 53562

**Owner:** John R Brigham Trust; PO Box 481; Stoughton, WI 53589

**Requested Action:** The applicant is seeking approval of:

- A zoning map amendment changing the zoning from TR-C1 (Traditional Residential-Consistent 1 district) to CC-T (Commercial Corridor-Transitional district); and
- Demolition permits for two residential buildings.

**Proposal Summary:** The applicant is seeking approvals to change the zoning of a site from TR-C1 to CC-T and to demolish two single-family residential buildings to prepare the site for future development.

**Applicable Regulations & Standards:** Standards for demolition permits are found in §28.185(6) MGO. Standards for zoning map amendments are found in §28.182(6) MGO.

**Review Required By:** Plan Commission (demolition permits), Common Council (rezoning)

**Summary Recommendations:** The Planning Division recommends the following to the Plan Commission regarding the applications for 922-926 North Fair Oaks Avenue. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning on page 5.

- That the Plan Commission find the standards for zoning map amendments are met and forward the zoning map amendment from TR-C1 to CC-T to Common Council with a recommendation to **approve**; and
- That the Plan Commission find that the standards for demolition permits are met and **approve** demolition permits for the buildings at 922 and 926 North Fair Oaks Avenue.

## Background Information

**Parcel Location:** The subject site, composed of two existing parcels, is 16,204 square feet and located on the west side of North Fair Oaks Avenue south of its intersection with East Washington Avenue. The site is within Alder District 12 (Alder Latimer Burris) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** Both 922 and 926 N Fair Oaks Ave are currently zoned TR-C1 and occupied with single-family residences. The one-and-one-half-story house at 922 N Fair Oaks Ave is 1,147 square feet, with three bedrooms and one bathroom, and was built in 1930. The one-and-one-half-story house at 926 N Fair Oaks Ave is 1,403 square feet, with three bedrooms and one bathroom, and was built in 1930.

**Surrounding Land Uses and Zoning:**

- North:** Small warehouse zoned CC-T;
- West:** 4-unit multifamily building zoned TR-V1 (Traditional Residential – Varied 1 district) and one-story multitenant commercial buildings zone CC-T;
- South:** Single-family residences zoned TR-C1; and
- East:** Single-family residences zoned TR-C1.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2023) recommends Community Mixed Use (CMU) for the site. The [Northeast Area Plan](#) (2024) generally includes the same recommendations for this site.

**Zoning Summary:** The subject property is proposed to be zoned CC-T (Commercial Corridor-Transitional district):

<b>Other Critical Zoning Items</b>	TOD Overlay
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*Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator*

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

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

**Project Description**

The applicant is seeking approvals to change the zoning of a site from TR-C1 to CC-T and to demolish two single-family residential buildings to prepare the site for future development. The [demolition photos](#) submitted by the applicant show that both houses are older, but appear well-maintained, each with varying levels of upkeep and updates. The detached garages on each lot show more wear than the houses, and both appear to have significant amounts of worn and peeling paint. However, no significant structural issues are known for either house. Planning staff have not personally inspected the buildings. The letter of intent indicates that moving or reusing the existing structures is not feasible.

If the demolition permits for the houses and rezoning of the property is approved, the applicant intends to construct a five-story, 162-unit multifamily residential building on a lot to be created by combining these lots with five additional lots on North Fair Oaks and East Washington Avenues that are already zoned CC-T. That proposal will require approval of conditional uses by Plan Commission and a CSM by Common Council.

**Analysis**

This request is subject to the standards for zoning map amendments and demolition permits. This section begins with a summary of adopted plan recommendations, and includes sections for zoning map amendment standards and demolition permit standards.

**Consistency with Adopted Plans**

The [Comprehensive Plan](#) (2023) recommends Community Mixed Use (CMU) for the site. CMU areas support an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole. New development is expected to be two- to six-stories at residential densities of up to 130 dwelling units per acre.

The [Northeast Area Plan](#) (2024) generally includes the same recommendations, but identifies the adjacent portions of East Washington Avenue as a “Development Corridor.” The Area Plan also recommends the intersection of Fair Oaks Avenue, Wright Street, and East Washington Avenue as a “Commercial Core” in which future buildings should have ground-floor commercial uses.

### **Zoning Map Amendment Standards**

The Zoning Map Amendment standards, found in 28.182(6), MGO state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety, and welfare, shall be consistent with the [Comprehensive Plan](#), and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City’s [Comprehensive Plan](#). 2010 Wisconsin Act 372 clarified “consistent with” as “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.”

Under the current TR-C1 zoning and the TOD Overlay district, the maximum development density for each lot is a two-family dwelling with an accessory dwelling unit. The maximum height for any building is two stories or 35 feet. Under the proposed CC-T zoning, still within the TOD Overlay district, a mixed-use building with up to 100 dwelling units and five stories is a permitted use. Additional units and/or height can be approved by Plan Commission as a conditional use. However, as CC-T is a mixed-use/commercial district and is adjacent to residentially-zoned lots on North Fair Oaks Avenue, any future development would need to meet the height transition requirements of the zoning code.

As noted above, there is no development proposal before the Plan Commission at this time, but an informational presentation has been filed with the Urban Design Commission for a potential proposal encompassing these two parcels, as well as 3361, 3365, 3371, and 3375 East Washington Avenue and 930 North Fair Oaks Avenue, all of which are already zoned CC-T. The presentation materials for the potential 5-story mixed-use 153-unit building with commercial and community service space is available for review in Legislative File ID [87242](#). The proposal presented to UDC falls squarely within the range of recommendations for the CMU land use designation of two to six stories with residential densities under 130 dwelling units per acre. Further, CC-T is a zoning district often used to implement the CMU recommendations in adopted plans.

As discussed above, Staff believe that based on the CMU land use recommendation in the [Comprehensive Plan](#) and the recommendations in the [Northeast Area Plan](#) that the zoning map amendment request to change the zoning of the site from TR-C1 to CC-T is consistent with adopted plans and all applicable standards can be found met.

### **Demolition Permit Standards**

At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove consideration of proposed future use as a factor in approving demolition requests. In order to approve a demolition request under the revised standards, the Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests. The factors include a finding that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison.

The Planning Division believes that the standards for Demolition Permits can be met, but provides the following comments regarding standard 4, which states *“That the Plan Commission has received and considered the report of the City’s Historic Preservation Planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.”*

Regarding standard 1, “The applicant has included information related to any efforts to relocate the building, including but not limited to assessing the costs of relocation, the impact of relocation on city terrace trees, and the structural soundness of the building.” The applicant states in the letter of intent that moving or reusing the existing structures is not feasible.

Regarding standard 4, “That the Plan Commission has received and considered the report of the City’s Historic Preservation Planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.” At its January 13, 2025 meeting, the Landmarks Commission found that the existing houses at 922 and 926 North Fair Oaks Avenue have no known historic value.

Regarding standard 6, “The Plan Commission shall consider the condition of the building or buildings proposed for demolition or removal...” The applicant provided [photos](#) of the interior and exterior of the building. Staff note that while the Zoning Code states that the building’s condition must be considered, it does not specify that a certain structural condition or level of disrepair is necessary in order to approve a demolition.

Planning Division staff believe all other standards of approval can be met or are not applicable to this request.

### **Public Comment**

A neighborhood meeting regarding this proposal was held on January 23, 2025. At time of writing, Staff has received one written public comment regarding this land use request, which is attached to the Plan Commission materials.

## **Conclusion**

When considering the recommendations of the [Comprehensive Plan](#) and Area Plan, and the findings of the Landmarks Commission, Staff believes that the standards of approval for demolition permits and zoning map amendments can be found to be met.

## **Recommendation**

### **Planning Division Recommendations** (Contact Colin Punt 243-0455)

The Planning Division recommends the following to the Plan Commission regarding the applications for 922-926 North Fair Oaks Avenue. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning below.

- That the Plan Commission find the standards for zoning map amendments are met and forward the zoning map amendment from TR-C1 to CC-T to Common Council with a recommendation to **approve**; and
- That the Plan Commission find that the standards for demolition permits are met and **approve** demolition permits for the buildings at 922 and 926 North Fair Oaks Avenue.

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

**Zoning Administrator** (Contact Jacob Moskowitz, 266-4560)

1. Section 28.185(9)(b) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.

**City Engineering Division** (Contact Brenda Stanley, 261-9127)

2. The area adjacent to this proposed development has been determined by City Engineering to have a known flooding risk. Engineering has set the minimum protective lowest entrance elevation opening at an elevation of 876.00. This standard is not intended to be protective in all cases. The Developer is strongly encouraged to complete their own engineering analysis to determine and meet a protective elevation which they are comfortable with. In no case shall the protective elevation be set below the minimum threshold determined by City Engineering.
3. The applicant shall connect to or extend public storm sewer connecting directly to a public storm structure that is either in the public sidewalk or terrace area, or inlet at the curb on the side of the street, adjacent to the development. Any storm lateral extension crossing any lanes of traffic or running longitudinally within a public street right of way for over 20ft, in order to connect to the public system, shall be considered a private storm sewer lateral and will require an approved and recorded privilege in streets agreement. (POLICY)
4. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
5. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
6. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
7. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
8. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, CARPC or Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.
9. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. It is necessary to show

the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)

10. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>  
Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.
11. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.  
The Storm Water Management Plan & Report shall include compliance with the following:  
Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.  
Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and MGO 37.09(2))  
Rate Control Redevelopment: By design detain the 10-year post construction design storm such that the peak discharge during this event is reduced 15% compared to the peak discharge from the 10-year design storm in the existing condition of the site. Further, the volumetric discharge leaving the post development site in the 10-year storm event shall be reduced by 5% compared to the volumetric discharge from the site in an existing condition during the 10-year storm event. These required rate and volume reductions shall be completed, using green infrastructure that captures at least the first 1/2 inch of rainfall over the total site impervious area. If additional stormwater controls are necessary beyond the first 1/2 inch of rainfall, either green or non-green infrastructure may be used.  
TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.  
Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.  
Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.
12. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

**City Engineering Division – Mapping Section** (Contact Jeff Quamme, 266-4097)

13. Provide a final site plan representing the final site conditions showing any improvements or pavements to remain.
14. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.

**Traffic Engineering Division** (Contact Sean Mally, 266-5987)

15. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

**Fire Department** (Contact Matt Hamilton, 266-4457)

16. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Ron Blumer at [rblumer@cityofmadison.com](mailto:rblumer@cityofmadison.com) or (608) 266 -4198.

**Water Utility** (Contact Jeff Belshaw, 261-9835)

17. Private wells may have served the parcels associated with this project prior to municipal water service connections. The existing properties will require an internal and external survey for potential unabandoned private wells prior to proceeding with demolition. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 2664654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

**Parking Utility** (Contact Trent Schultz, 246-5806)

18. The agency reviewed this request and has recommended no conditions of approval. A Transportation Demand Management (TDM) Plan may be required as part of future development, per MGO 16.03.

*The Planning Division, Parks Division, Parks Division, and Forestry Section have reviewed this request and have recommended no conditions of approval.*