



**Project Address:** 2107-2249 Sherman Avenue (Aldermanic District 12, Alder Palm)

**Application Type:** Demolition and Conditional Use

**Legistar File ID #:** [39483](#)

**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Note: The recommendation has been corrected in this version**

## Summary

**Applicant/Property Owner:** John Fish; McKenzie Place, LLC; 315 Lakewood Blvd., Madison, WI 53704

**Project Contact:** Kirk Keller; Plunkett Raysich Architects; 2310 Crossroads Dr., Ste. 2000; Madison, WI 53718.

**Requested Action:** Approval of the demolition of three commercial buildings and conditional use approval for the following: construction of a mixed-use building exceeding three stories in height; a building exceeding 10,000 square feet in size; a building with over eight (8) dwelling units; and a mixed-use building with less than 75% of the ground floor and less than 75% of the street frontage programmed for non-residential uses.

**Proposal Summary:** The applicant proposes to demolish three commercial buildings for the construction of a five-story mixed use building with 6,700 square feet of commercial space and 60 residential units.

**Applicable Regulations & Standards:** This proposal is subject to the standards for demolitions (MGO Section 28.185) and conditional uses (MGO Section 28.183(6)).

**Review Required By:** Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards can be met, and **approve** the request at 2107-2249 Sherman Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

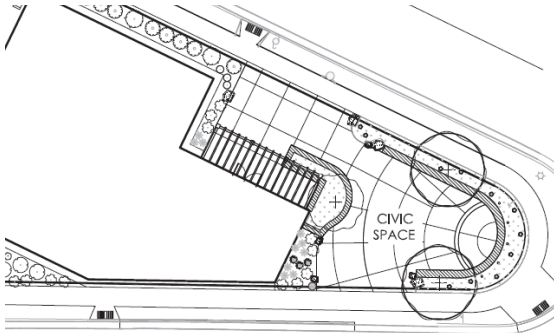
## Summary of Revisions

Since this proposal was referred by the Plan Commission on August 24, the development team has made several design changes. They presented to the UDC on September 2, and were again referred (report attached). Results from the September 16 UDC meeting will be shared with the Plan Commission as soon as they are received.

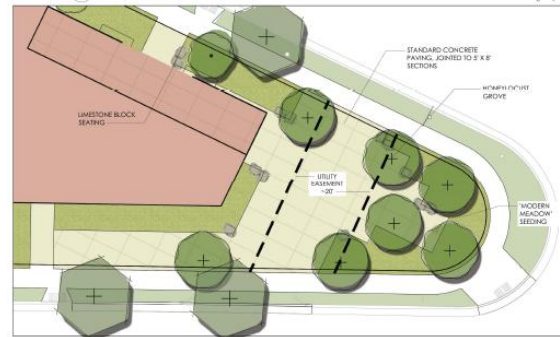
Changes to the design in response to concerns and questions raised by staff, the UDC, and Plan Commission can be summarized as follows:

- The corner element has been reconfigured and simplified architecturally, and is now proposed as a solid three-story brick element from the ground up, with a 60-foot stepback before increasing in height to a four-story brick element. The building face has been shifted to approximately 60 feet from the property line at the acute corner, 15 feet from Fordem Avenue, and 8.5 feet from Sherman Avenue. With the setback and stepback combined, the four-story portion of the building begins approximately 120 feet back from the corner of the site. (See comparison below.)

**Original Submittal – Corner Element**



**September 16 Revision – Corner Element**



- The vehicle pass-through remains part of the proposal, but the design has been modified to make is less prominent. Along its total 83-foot width, the building has been inset by approximately 6 feet from the main Sherman facade of the building. On both the Sherman and Fordem sides of the building, brick walls with windows have been incorporated on both sides of the driveway to reduce the visual width of the pass-through space to 24 feet, and to screen the at-grade, under building surface parking area. (See comparison below.)
- The fifth floor loft element, which contains living spaces for a few of the fourth floor units, has become one contiguous, narrow architectural element. The fifth floor is stepped back 38 feet from the Sherman facade and 18 feet from the Fordem facade to minimize visual impacts. (See comparison below.)
- Overall, building planes and exterior materials have been simplified significantly, and the increased use of brick on the building in strategic areas has enhanced the composition. (See comparison below.)

**Original Submittal – Sherman Elevation**



**September 16 Revision – Sherman Elevation**



Aside from design revisions, a few additional modifications and supplemental materials are noteworthy:

- The unit mix for the 61 residential units has changed very slightly to include 8 efficiencies, 37 one-bedroom, and 16 two-bedroom units.
- Trash and recycling chutes have been incorporated in the building.
- The plan set now includes further detail on the intent for the landscaped stormwater management areas on either side of the Fordem Avenue entrance to the site, along with short and long term plans for the future development site on the southeast portion of the site. In the short term, a landscaping plan includes five canopy trees in this area. As a potential concept, an irregularly shaped, two-story, approximately 3,500 square foot commercial building with five surface parking stalls is shown.

## Analysis of Revisions and Conclusion

Staff believes that the design changes to the corner of the building, the vehicle pass-through, and the overall simplification of materials represent a significant improvement to the proposal. There is still some concern about the long-term viability of the Fordem Avenue side of the site for development and enhancement into a pedestrian-friendly streetscape. Development on the lot with a two-story commercial building is certainly possible, but it may be that in the longer term, a larger redevelopment associated with adjacent property becomes a more likely scenario. However, for the foreseeable future, the Fordem Avenue side of the property will likely consist of young deciduous trees and rain garden areas screening the surface parking for the site. The Plan Commission, with input from the UDC, should evaluate this aspect of the site in their consideration of the proposal, specifically with regard to conditional use standard 9.

In the [August 24 staff report](#), staff noted that revisions to the design would be needed in order for the proposal to meet conditional use standards 9 and 12. An analysis of these two standards, based on revisions received, is as follows:

9. *When applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendations.*

### *Statement of Purpose for Neighborhood Mixed Use (NMX) District*

*The NMX District is established to encourage and sustain the viability of commercial nodes that serve the shopping needs of residents in adjacent neighborhoods. The district is also intended to:*

- a) Encourage pedestrian, bicycle and transit use as a means of accessing these commercial areas.*
- b) Encourage diversification of uses, including residential, commercial, and civic uses, in order to enhance the vitality and appeal of these areas.*
- c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor, or special area plans.*

Due to significant changes to the corner building element, the vehicle pass-through, and an overall simplification of building planes and exterior materials, staff believes that the revised submittal adequately meets this standard for the building itself. Staff is still concerned about the long term viability for development of a pedestrian-friendly streetscape along the Fordem Avenue side of the site. The applicant has provided to the UDC a conceptual site plan for a two-story building on the Fordem side, as well as a

conceptual design leaving the undeveloped property as a greenspace. Staff will provide separately to the Plan Commission any specific recommendations from the September 16 UDC meeting.

12. *When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows, and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.*

The Plan Commission must carefully consider whether this standard is addressed for the proposed fourth and partial fifth stories of the building. The Comprehensive Plan notes that in areas recommended for neighborhood mixed use, 2-4 story buildings are generally anticipated. As noted in the August 24 staff report, characteristics of the site and location help to support greater residential densities and height. Specifically, the site is located in an area where the Comprehensive Plan has recommended transit-oriented development. The proposed commercial spaces will generate more neighborhood-supporting activity in this area, and the new residential units will be very well-served by transit, bicycle infrastructure, and Burrows Park immediately to the west. As has been mentioned, the subject site is bounded by two streets, which provides distance between the subject site and nearby low-density residential properties.

Finally, design elements of the building itself help to minimize height impacts on nearby residential properties to the east. The three-story, 34-foot tall corner element is set back approximately 60 feet from the corner of the property, and the four-story, 47-foot tall main building begins 60 additional feet to the south. At its closest point, the four-story building is approximately 140 feet from the nearest single-family homes along Northfield Place, and much further from the nearest home in the Village of Maple Bluff to the southwest. The five-story, 156-foot tall element has been revised, and is now a very narrow, contiguous bar set in the middle of the top of the building. This will be an aesthetic improvement over the original proposal, and should have little if any height impacts over and above those of the main four-story building.

Staff believes that with the recent revisions, the proposed building can meet this standard of approval.

[Standards 8, 10, 11, and 13-15 do not apply to this request]

**Conclusion** - Staff supports the proposed demolition, land use, and building height at this prime redevelopment site, which overlooks a beautiful lakefront park and is well-served by transit and bicycle infrastructure. Following design revisions made since the August 24 meeting of the Plan Commission, staff believes that the proposed building can meet the demolition and conditional use standards. Staff acknowledges concerns from nearby residents about residential density, building height, and the overall change in this area, which has long been underutilized commercial space. While activity levels and traffic patterns will certainly change in the area surrounding the subject property, staff believes that the proposal includes the parking, usable open space, and other on-site characteristics to support the proposed residential density, and that in the long term, the new commercial spaces (and the on-site residents needed to support them) will provide positive impacts on the surrounding neighborhood as well.

## Recommendation

### **Planning Division Recommendation** (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the demolition and conditional use standards can be met, and **approve** the request at 2107-2249 Sherman Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Recommended Conditions of Approval**

Major/Non-Standard Conditions are Shaded

***Note: Modifications have been made to agency comments based on latest revisions to the submitted plans. The comments below should replace those in the August 24 Planning Division staff report.***

### **Planning Division** (Contact Heather Stouder, 266-5974)

1. Final plans submitted for review and approval by staff shall include a detailed materials schedule complete with colors and specifications of each material.
2. A revised landscape plan shall be prepared for staff review and approval to include the following:
  - a) Detailed landscape schedule
  - b) Details for stormwater management areas, including a maintenance plan
  - c) Details for all groundcover, seating, and other amenities
  - d) Details for any passive green roof elements or rooftop usable open space areas
3. Final plans shall include bicycle parking revisions so that the required outdoor bicycle parking is available near multiple entrances to the building.

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

4. Applicant shall dedicate a 15' wide sanitary sewer easement centered over the top of the existing sanitary sewer as a condition of plan approval. Applicant shall also dedicate a 15' wide storm sewer easement centered over the top of the existing storm sewer. These easements will be vacated if the sewer and storm sewer are relocated into the street.
5. A subdivision agreement is required as part of this development to allow for the reconstruction of the sidewalk.
6. Applicant shall coordinate all construction activity with 2016 City of Madison Fordem Avenue resurfacing project.
7. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact City Engineering 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)).
8. The Developer shall construct public sanitary sewer, storm sewer, and drainage improvements as necessary to serve the lots within the CSM (MGO 16.23(9)(d)).
9. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which 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. The permit

and fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO CH 35.02(14)).

10. 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).
11. This project appears to require construction dewatering and/or possibly permanent dewatering and is in an area with potential groundwater contamination. The applicant shall be required obtain the approval of Public Health – Madison & Dane County for this discharge. It can be anticipated that this will required completion of a boring on site and testing of water encountered for possible contaminants. Approval shall be granted before plans are approved for building permit release. (Contact Kirsti Sorsa for more information at 608-243-0356 or [ksorsa@publichealthmdc.com](mailto:ksorsa@publichealthmdc.com)).
12. 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).
13. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
14. 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 5.0 tons per acre per year.
15. 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) acres, 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).
16. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to Reduce TSS by 80% off of the proposed development when compared with the existing site.
17. 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)
18. The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
    - a) SLAMM DAT files



- b) RECARGA files
- c) TR-55/HYDROCAD/Etc
- d) 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 (POLICY and MGO 37.09(2)).

19. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction (MGO 37.05(7)). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
20. The properties are open contaminant sites with the WDNR (BRRS #03-13-561292 & 02-13-560846). A digital copy of the site investigation report(s) and remedial actions report(s) shall be submitted to Brynn Bemis (608.267.1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)). Applicant shall submit proof of coordination with the WDNR to remediate the site and address residual contaminant concerns associated with the proposed site plan (i.e. vapor mitigation, dewatering).
21. All work in the public right-of-way shall be performed by a City licensed contractor.
22. 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).
23. All damage to the pavement on Fordem Ave. 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)
24. The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of Fordem Ave. in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO (MGO 16.23(9)(d)(6)).

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

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| 25. Provide 20' between the Right-of-Way on Sherman Ave and the first parking stalls. This is to ensure a vehicle exiting the Right-of-Way will have adequate space to access the site and not negatively impact pedestrian, bicycle or vehicular traffic. |
| 26. Provide turning movement templates for the entrance on Fordem Ave to ensure all movement are reasonable and safe; modifications to the plan maybe require upon Traffic Engineering's review.   |
27. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
  28. 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.

29. 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.
30. All parking facility design shall conform to MGO standards, as set in Section 10.08(6).

**Zoning Administrator** (Contact Matt Tucker, 266-4569)

31. 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.
32. Sec. 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
33. Sec. 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
34. Show the building dimensions and setbacks from the property lines on the site plan for the final plan submittal.
35. Submit a calculation and detail plan page showing the qualifying usable open space areas. Per section 28.140, roof decks and balconies may be used to meet up to 75% of the minimum open space requirements, provided that minimum size dimensions are met.
36. Submit a calculation and detail plan page showing that the project meets the lot coverage requirement. The maximum lot coverage is 75%. Lot coverage is the total area of all buildings and paved areas as a percentage of the total lot area, with the exceptions of sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
37. Per section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect. Submit a landscape plan and landscape worksheet stamped by the registered landscape architect.
38. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
39. Show the dimensions of the surface and underground bicycle stalls and access aisles on the final plans. A bicycle stall is two feet by six feet with a five-foot wide access aisle. Note that vehicle stalls and building columns cannot obstruct the five-foot wide access area. Provide a detail showing the model of bike rack to be installed.
40. Provide a detailed calculation showing that the primary street facade meets Section 28.060(2)(d), Door and/or Window Openings requirements.
41. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31, Sign Codes. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.



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

42. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>
43. Please consider allowing Madison Fire Department to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt Scott Bavery (608) 576-0600.

**Parks Division** (Contact Janet Schmidt, 261-9688)

44. 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. The developer must select a method for payment of park fees before signoff on the demolition permit. This development is within the Tenney – Law – James Madison park impact fee district (SI26). Please reference ID# 15140 when contacting Parks about this project.
45. 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 - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.
46. 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.

**Water Utility** (Contact Dennis Cawley, 266-4651)

47. This property is not located in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.
48. Each lot shall have a separate water service lateral connected to a public water main.

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

49. Metro Transit operates daily transit service (at least every thirty minutes) along both sides of North Sherman Avenue through the Fordem Road/Sherman Avenue intersection, just north of the project site.