



## PREPARED FOR THE PLAN COMMISSION AND URBAN DESIGN COMMISSION

**Project Address:** 427-439 West Mifflin Street (4<sup>th</sup> Aldermanic District, Alder Verveer)  
**Application Type:** Rezoning, Demolition, and Conditional Use  
**Legistar File ID #:** [40957](#), [40589](#), and [40592](#)  
**Prepared By:** Heather Stouder, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

### Summary

**Applicant/Property Owner:** Frank Staniszewski; Madison Development Corporation; 550 W. Washington Ave., Madison, WI, 53703

**Land Use Application Contact:** J. Randy Bruce; Knothe and Bruce Architects; 7601 University Ave., #201, Middleton, WI 53562

**Requested Action:** Approval for the demolition of three buildings, a rezoning of a portion of the property from Planned Development (PD) to Downtown Residential 2 (DR2), and a conditional use for a multi-family residential complex with a total of 56 units in four buildings, including a new 46-unit apartment building.

**Proposal Summary:** The applicant proposes to demolish two single-family homes and a two-family home for construction of a four-story, 46-unit apartment building. The new building and three remaining buildings on the site would share access and parking as a multi-family residential complex.

**Applicable Regulations & Standards:** This proposal is subject to the standards for zoning map amendments (MGO Section 28.182(6)), demolition (MGO Section 28.185) and conditional uses (MGO Section 28.183(6)).

**Review Required By:** Urban Design Commission (UDC), Plan Commission (PC), and Common Council (CC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the approval standards for zoning map amendments, demolition, and conditional uses can be met, and forward the requests to the Common Council with a recommendation to **approve**. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### Background Information

**Parcel Location:** The subject property is on the southeast side of West Mifflin Street between North Bassett Street and North Broom Street; Aldermanic District 2 (Verveer); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 0.75-acre subject property includes four parcels with six existing buildings: 427 West Mifflin has a four-unit building, which would remain on the site, and associated surface parking. 433 West Mifflin St has a two-unit building constructed in 1885 and proposed for demolition. 435 West Mifflin St has a single-family home constructed in 1889 and proposed for demolition. 437 West Mifflin St has a single-family home proposed for demolition, a 2-unit building constructed in 2006 that would remain, and a 4-unit building constructed in 2006 in the rear of the site that would remain.

**Surrounding Land Use and Zoning:**

Northwest: A 78-unit apartment building in the DR2 District.

Northeast: Single- and two-family homes constructed in the late 1800's and early 1900's in the DR2 District.

**Southeast:** Single-, two-, three- and four-unit buildings constructed in the late 1800's and early 1900's in the DR2 District.

**Southwest:** Single- and three-family homes in the DR2 District.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) includes this property within the Mifflin-Bassett downtown residential sub-district, where a wide variety of uses, including multi-unit high-density residential buildings, are recommended. The Downtown Plan (2012) recommends Downtown Mixed Use with a six-story maximum height. The Plan also recommends detailed planning effort in this area to guide and coordinate incremental redevelopment over time.

**Zoning Summary:** As proposed, the property would be in the Downtown Residential 2 (DR2) District. A detailed zoning summary table will be included in an addendum to this report.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

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

## Related Reviews and Approvals

**Certified Survey Map** - The applicant has submitted a Certified Survey Map to subdivide and reorganize the property into three lots. Lot 1 is 8,682 square feet, and would include two existing buildings to remain on the site. Lot 2 is 17,741 square feet, and would include the proposed 46-unit building. Lot 3 is 6,265 square feet, and would include the existing two-unit building at 427 West Mifflin St. See Legislative Item [#40592](#) for reference.

## Project Description

**Proposed Land Use** – Following demolition of three buildings and construction of the 46-unit apartment building, the 0.75 acre site would include a total of 56 units in four buildings, and a net residential density of 75 dwelling units per acre. On its own lot, the new building would be approximately 112 dwelling units per acre. The proposed four-story building has 8 efficiencies, 25 one-bedrooms, and 13 two-bedroom units. While a few of the largest units have private laundry facilities, most residents would utilize shared laundry facilities provided on each floor of the building. Each dwelling unit has a recessed private balcony (HVAC units face perpendicular to the street within balconies).

**Building Placement, Bulk and Massing** – The proposed 46-unit building has a ten-foot front setback, five foot setbacks on either side, and a twenty-foot rear setback. It is 106 feet wide along West Mifflin Street, and 132 feet deep. The fourth floor of the building is stepped back by approximately eleven feet from the Mifflin Street facade, which allows for private balconies for fourth floor units and a passive green roof element.

**Access, Circulation, and Parking** – The underground parking in the proposed building includes 28 automobile stalls and 45 bicycle stalls. In addition, eight surface automobile stalls and eight exterior bicycle stalls are provided on the site. In total, the automobile parking ratio is 0.6 stalls per dwelling unit, and bicycle parking ratio is 54 per unit (this will need to be increased slightly in order to meet zoning requirements).

**Exterior Materials and Site Details** – The Mifflin Street façade is broken down into four equal parts, with exterior materials setting them apart (dark brown brick, vertical composite siding, cast stone, and dark brown brick). This face of the building has accents of composite horizontal siding in the balcony interiors and between building elements, and a stepped back fourth floor clad with composite vertical siding. The three-story dark brown brick elements turn the corners for a depth of over 30 feet. The rest of the sides and the rear of the building have a brick first floor, horizontal composite siding on second and third floors, and vertical

composite siding on the fourth floor. Plans show no change in plane associated with the changes in materials on the sides and rear of the building.

The landscape plan for the site includes ornamentals, shrubs, and low perennials in the ten foot area in front of the new building. The rear yard includes three hackberry trees, and a swamp white oak is shown in the area west of the new building.

## Project Analysis and Conclusion

**Land Use and Plan Consistency** – The proposal is generally consistent with recommendations in both the Comprehensive Plan (2006) and Downtown Plan (2012). At four stories in height, the building would be taller than most on the block, but is not unprecedented, and does not approach the maximum six story height recommended in the Downtown Plan. At a density of 75

**Site and Building Design** – The building placement and design appear to meet all zoning requirements in the DR2 District. The massing of the building along West Mifflin Street is broken down well into four components. All sides of the building feature masonry as a prominent, if not primary material, with the balance of the building in fiber cement and metal.

Staff would like feedback from the UDC following additional information from the applicant on the following details:

- Changes in material from brick to fiber cement and from horizontal to vertical fiber cement on the sides and rear of the building do not appear to be associated with even a small change in plane. The applicant should clarify any change in plane for each material change for the UDC to review.
- The overhead door leading to the trash storage area will be visible from West Mifflin Street, and should be architecturally integrated into the building. A dark brown color to match surrounding brick may be a better solution for the door.

Further, in final plans submitted for staff review, staff requests the following revisions:

- Additional bicycle parking should be included so that the site meets zoning requirements for the 56 total units in four buildings. If bike parking associated with existing buildings on the site is provided in the basement of the proposed building, details regarding access to this area for tenants in other buildings should be provided.
- Additional detail should be provided on the specifications and maintenance of the green roof element

**Standards for Zoning Map Amendments-** MGO Section 28.182(6) - *Text amendments or map 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.*

**Demolition Standards** – Staff believes that the demolition standards can be met with the proposal. At this time, there is no known historic value to the three homes proposed for demolition. In their informal review of the proposed demolitions, the Landmarks Commission noted that they regret the loss of the vernacular architecture at 433 West Mifflin Street. The Landmarks Commission will be informally reviewing the proposed demolitions at 435 and 437 West Mifflin Street on December 14, 2015, and results of their discussion will be provided to the Plan Commission.

**Conditional Use Standards** – The applicant is seeking a conditional use in the DR2 District for a multi-family residential complex. An evaluation of the proposal's ability to meet the standards for conditional use approval is summarized below.

As stated in MGO Section 28.183(6)(a), *"The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable neighborhood, neighborhood development, or special area plan, including design guidelines as adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:*

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*

Staff believes that this standard is met.

2. *The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing these services.*

Staff believes that this standard is met.

3. *The uses, values, and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*

Staff believes that this standard is met.

4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The Downtown Plan recommends a focused planning and design effort in this area to guide substantial, incremental redevelopment over time, with a mix of land uses in buildings up to six stories in height. In any case the proposed 46-unit apartment building and existing buildings on the site should not impede redevelopment of nearby properties within these parameters.

5. *Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.*

Staff believes that this standard can be met, so long as all conditions of approval are addressed.

6. *Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.*

Staff believes that this standard can be met, and that a TDM is not necessary for this use.

7. *The conditional use conforms to all applicable regulations of the district in which it is located.*

Staff believes that this standard can be met, so long as all Zoning conditions of approval are sufficiently addressed.

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 Downtown Residential Districts*

*These districts are intended to recognize historic Downtown neighborhoods comprised of predominantly residential uses with some non-residential uses. The districts are also intended to:*

- a) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.*
- b) Promote the preservation and conservation of historic buildings and districts while allowing selective infill and redevelopment based on the recommendations of adopted City plans.*
- c) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of scale and rhythm, building placement, facade width, height and proportions, garage and driveway placement, landscaping and similar design features.*

Staff believes that this standard can be met, and will pass along feedback from the Urban Design Commission to the Plan Commission and Common Council.

[Conditional Use Standards 8 and 10-15 do not apply to this request]

**Conclusion** – This proposal would replace three buildings in the middle of the block with a four-story apartment building as part of a larger multi-family residential complex. Upon review, the proposal is generally consistent with recommendations in the Comprehensive Plan and Downtown Plan for redevelopment in this unique West Mifflin Street area. The site should provide housing for a wide variety of household types over time in this prime downtown location, in close proximity to employment opportunities and other amenities. Staff has raised a few questions regarding design details, and will provide design feedback from the Urban Design Commission prior to the January 11 Plan Commission meeting, which may result in additional recommended conditions of approval.

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the approval standards for zoning map amendments, demolition, and conditional uses can be met, and forward the requests to the Common Council with a recommendation to **approve**. 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
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### Planning Division (Contact Heather Stouder, 266-5974)

1. Prior to final review and approval by staff, a management plan shall be provided by the applicant including the following elements for the residential building complex:
  - a) Details for management of the underground and surface parking stalls, and an example lease reflecting parking limitations on the site
  - b) Trash management
  - c) Snow removal
  - d) Management of common open spaces
  - e) Plans for move-in and move-out
2. The applicant is encouraged to provide the passive green roof element being contemplated on the third floor rooftop. If it is included, final plans submitted for review and approval by staff shall include associated specifications and a maintenance plan.
3. Final plans submitted for review and approval by staff shall include sufficient bicycle parking on the site to meet zoning requirements for the four buildings in the multi-family residential complex.

### Engineering Mapping (Contact Jeff Quamme, 266-4097)

4. Applicant shall provide for review reciprocal easements and agreements including, but not limited to, access, parking, bicycle parking, utilities, common areas, storm management and fire lanes that are necessary to accomplish the development as proposed. The document(s) shall then be executed and recorded along with the pending Certified Survey Map and copies provided prior to building permit issuance.
5. The lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds. (POLICY).
6. The base address of the proposed 46 unit apartment is 431 W Mifflin St.
7. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
8. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction.

When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.

9. Submit a PDF of all floor plans to [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed prior to plans being submitted for permit review. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.

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

10. 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. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO CH 35.02(14)).
11. 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 Mark Moder (608-261-9250) 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)).
12. 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).
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 submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the 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 Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words unplatted
  - h) Lot/Plat dimensions
  - i) Street names
  - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
  - k) Private on-site storm sewer utilities (including all connections to public storm)All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com) (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

15. 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)).
16. This project appears to require construction dewatering. A dewatering plan shall be submitted to City Engineering as part of the Erosion Control Permit.
17. 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. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14 size paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at [tstroester@cityofmadison.com](mailto:tstroester@cityofmadison.com), or Jeff Benedict at [jbenedict@cityofmadison.com](mailto:jbenedict@cityofmadison.com) final document and fee should be submitted to City Engineering.
18. The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity (POLICY).
19. 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.
20. 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).
21. 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 by 80% off of the proposed development when compared with the existing site.
22. 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 MGO Chapter 37.



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

23. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt Scott Bavery (608) 576-0600.
24. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Parks Division** (Contact Janet Schmidt, 261-9658)

25. 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 of the rezoning request. This development is within the Vilas Brittingham Impact fee district (SI27). Please reference ID# 15161 when contacting Parks about this project.
  26. The Parks Division will be required to sign off on the pending CSM prior to the issuance of building permits for the development.
  27. Forestry will permit the removal of the terrace trees that are in direct conflict with the new driveway. Any other tree removals will need to be reviewed and evaluated by Forestry. Contractor shall contact City Forestry at least one week prior to construction, to obtain a tree removal permit.
28. 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, 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 - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part1.pdf>.

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

29. 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.
30. 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.
31. 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.

32. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
33. Traffic Engineering will no longer be accepting paper plans; to ensure a timely review all submittals will include an electronic copy (.pdf preferred).
34. "Stop" signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
35. Applicant shall submit for review a waste removal plan. This shall include vehicular turning movements.
36. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet – 25 feet behind the property line at streets and 10 feet at driveways.). If applicant believes public safety can be maintained they shall apply for a waiver of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the waiver shall be the determination of the City Traffic Engineer.

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

37. 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.

**Zoning Administrator** (Contact Jenny Kirchgatter, 266-4429)

Zoning comments will be provided to the Plan Commission when they are received.