



Project Address: 22 N 2nd Street and 1954 E Washington Avenue (District 12 – Alder Syed Abbas)

Application Type: Demolition Permit and Conditional Use

Legistar File ID # [67514](#) & [68397](#)

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

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Lorrie Heinemann; Madison Development Corporation; 550 W Washington Ave; Madison, WI 53703

Contact: Kevin Burow; Knothe & Bruce Architects; 7601 University Ave 201; Madison, WI 53562

Requested Action: The applicant is seeking approval of a demolition permit an existing building and a conditional use for a residential building complex per §28.032(1), M.G.O.

Proposal Summary: The applicant is seeking approvals to demolish an existing two-story office building to construct a three-story 24-unit apartment building within an existing residential building complex.

Applicable Regulations & Standards: Standards for conditional use approval are found in §28.183(6) M.G.O. Standards of approval for demolition permits are found in §28.185(6) M.G.O.

Review Required By: Urban Design Commission, Plan Commission

Summary Recommendations: The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit and conditional uses to demolish a two-story building and construct a three-story 24-unit apartment building at 22 North Second Street and 1954 East Washington Avenue subject to input at the public hearing and the conditions from reviewing agencies in this report.

Background Information

Parcel Location: The subject site is 2.56-acre parcel occupying half of a block bounded by East Washington Avenue to the southeast, North Second Street to the northeast, and East Mifflin Street to the northwest. The site is within Aldermanic District 12 (Alder Abbas) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site, zoned TR-U1 (Traditional Residential - Urban 1), is currently occupied by four buildings. 22 North Second Street, the building proposed for demolition, is a two-story, 8100-square foot office building originally constructed in 1958. 1946 East Washington Avenue is a four-story, 44-unit apartment building constructed in 2020. 1954 East Washington Avenue is a 3-story, 28-unit apartment building constructed in 1924. 1953 East Mifflin Street is a one-story four-unit apartment building constructed in 1924.

Surrounding Land Uses and Zoning:

Northeast: Across North Second Street, single-family residences zoned TR-C4 (Traditional Residential – Consistent 4 district) and TR-V1 (Traditional Residential - Varied 1 district);

Northwest: Across East Mifflin Street, single-family residences zoned TR-C4;

Southwest: Single-family residences zoned TR-C4 and small multi-family residences zoned TR-V1; and

Southeast: Across the East Washington Avenue, single-family residences and small multi-family residences zoned TR-V1.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low-Medium Residential (LMR) for the site. The [Emerson East-Eken Park-Yahara Neighborhood Plan](#) (2015) does not include specific land use recommendations for this site.

Zoning Summary: The subject property is proposed to be zoned TR-U1 (Traditional Residential - Urban 1 District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	750 sq. ft./ d.u. (75,000 sq. ft.)	111,641 sq. ft.
Lot Width	50'	337.35'
Front Yard Setback	15'	16.42'
Max. Front Yard Setback	30' or up to 20% greater than block average	16.42'
Side Yard Setback	10'	17.83' east side (1)
Rear Yard Setback	Lesser of 25% of lot depth or 20'	Adequate
Usable Open Space	160 sq. ft./ d.u. (16,000 sq. ft.)	Adequate
Maximum Lot Coverage	75%	Less than 75%
Maximum Building Height	4 stories/ 52'	3 stories

§28.151 Residential Building Complex: Setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.

Site Design	Required	Proposed
Number Parking Stalls	Multi-family dwelling: 1 per dwelling (24)	24 underground (3)
Accessible Stalls	Yes	Yes
Loading	Not required	None
Number Bike Parking Stalls	Multi-family dwelling: 1 per unit up to 2-bedrooms, ½ space per add'l bedroom (24) 1 guest space per 10 units (2) (26 total)	24 underground 2 surface (26 total)
Landscaping and Screening	Yes	Yes
Lighting	Yes	Yes
Building Forms	Yes	Large multi-family building (4)

Other Critical Zoning Items	Urban Design (residential building complex), Barrier Free (ILHR 69), Utility Easements
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Table Prepared by Jenny Kirchgatter, 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 approval of a demolition permit to raze a two-story, 8100-square foot office building and conditional use approvals to construct a three-story, 24-unit apartment building as part of a residential building complex. [Demolition photos](#) provided by the applicant show an older building without no major structural issues, though exterior siding appears to be pulling away in places. Planning Staff have not inspected the building in person.

After demolition, the applicant proposes to construct a 24-unit multi-family building with 24 underground parking stalls at the corner of North Second Street and East Mifflin Street. With the addition of the 24 dwelling units in this building, the site as a whole will include 100 residential units. The main entrance and four of first-floor units will have private walk-up entrances on East Mifflin Street. The building design includes a ten foot stepback above the second story. Primary materials include brown composite siding and beige brick veneer. Additional materials include beige composite trim, vinyl windows, aluminum storefront doors and railing, and cast stone sills, heads, and bands. Unit sizes include five efficiencies, nine one-bedroom units, and ten two-bedroom units. Twenty-four structured underground vehicle parking stalls will be accessed at the southwest end of the building, with a connection to East Mifflin Street. No addition of surface stalls is proposed for the site. Plans also show 24 underground bicycle parking stalls and two outdoor stalls. Submitted plans show low-level plantings around base of building. Most of the landscaping across the whole of the site will not be affected as part of this proposal. The proposal does not affect the private on-site greenspace, "Graaskamp Park."

If approved, the applicant plans to begin construction in Spring 2022, with project completion by Spring 2023.

Analysis & Conclusion

This request is subject to the standards for demolition permits and conditional uses. This section begins with a summary of adopted plan recommendations, followed by conditional use standards, and finally a conclusion.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Low-Medium Residential (LMR), which is classified as one to three floors and between seven and 30 dwelling units per acre (du/ac). The Plan has a note under this classification that large multifamily buildings are recommended in select conditions at up to 70 du/ac and four stories, generally along arterial streets. The [Emerson East-Eken Park-Yahara Neighborhood Plan](#) (2015) includes the Generalized Future Land Use Map from the 2006 Comprehensive Plan as an Appendix, but makes no plan specific land use recommendations for the subject site.

Demolition Standards

At its October 5, 2021 meeting, the Common Council revised the City of Madison's demolition permits ordinance section to remove consideration of proposed future use for demolition applications. In order to approve a demolition request, the Plan Commission must consider the factors and information specified in §28.185(9)(c) MGO and find 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 standards state that the Plan Commission shall consider 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 July 26, 2021 meeting, the Landmarks Commission found that the existing building at 22 North Second Street has no known historic value.

Conditional Use Standards

The applicant is requesting approval of a conditional use for an expansion of a residential building complex within the TR-U1 district to construct the proposed development. In regards to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. Staff advises the Plan Commission that in evaluating the conditional use standards, State law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation. With regards to the City's adopted plan recommendations, as mentioned above, the residential density on the whole site would be 38 dwelling units per acre if this request is approved, which is greater than the range of 7-30 dwelling units per acre in LMR land use areas. However, the majority of the existing units on the site are in the two larger buildings along East Washington Avenue and the LMR category includes a provision for larger buildings and densities up to 70 units per acre along arterials like East Washington Avenue. As such, the Planning Division believes that the proposal can be found consistent with the recommendations of the Comprehensive Plan.

In March of 2019, the Plan Commission approved the conditional uses for a 44-unit four-story apartment building on this parcel along East Washington Avenue. At that time, staff raised concerns regarding condition use approval standards five and nine. However, due to the comparatively smaller scale of this portion of the site redevelopment, the limited scope of work on the parcel as a whole, and the adopted plan recommendations, staff believe the conditional use standards of approval can be found to be met.

Urban Design

Per the Supplemental Regulations of the Zoning Code, additional development within a residential building complex, such as this site, requires an advisory recommendation by the Urban Design Commission. The UDC reviewed the proposal at its November 17, 2021 meeting and granted final approval, with a condition regarding replacement of plant species on the landscape plan.

Conclusion

When the recommendations of the adopted plans are considered, the scale and use of the proposed building, and the proposed conditions of approval are considered, Staff believes that the Plan Commission can find the demolition permit approval standards and conditional use approval standards can be met.

At time of writing, Staff had not received any written comment from the public.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit and conditional uses to demolish a two-story building and construct a three-story 24-unit apartment building at 22 North Second Street and 1954 East Washington Avenue. This recommendation is subject to input at the public hearing and the following conditions.

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

Planning Division (Contact Colin Punt, 243-0455)

1. Per the UDC's conditional approval, revise the landscape plan by replacing the Callery Pear and Cleveland Select Pair with other tree species, and replacing the Stella D'Oro daylilies with another species.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

2. Show the distance between the proposed building and the existing four-unit building as measured at the closest point between the buildings. Minimum distances between buildings shall equal the combination of the required side yards for each building (16 total feet), unless reduced by the Plan Commission as part of the conditional use approval.
3. Section 28.185(9) 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) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
4. Provide electric vehicle stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the residential parking stalls (2 stalls) must be electric vehicle ready. Identify the locations of the electric vehicle ready stalls on the plans.
5. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. Identify which glass areas will be treated, and provide a detail of the specific treatment that will be used.
6. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

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

7. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
8. Construct sidewalk, terrace, curb & gutter and asphalt to a plan as approved by City Engineer
9. 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))

10. Obtain a permit to Excavate in the Right-of-Way for the connection and/or installation of utilities required to serve this project and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO 10.05(6)), MGO 35.02(4)(c)(2)), and MGO 37.05(7)
11. 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))
12. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
13. 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.
14. 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.
15. Revise the site plans to show the location, depth, type, and size of existing and proposed private utilities (gas, electric, phone, steam, chilled water, etc.) in the project area or the adjacent right-of-way. (POLICY)
16. Applicant shall submit projected wastewater flow calculations for the proposed connection at Second Street/ E. Mifflin Street (total units/bedrooms). The City has limited capacity on this sewer main on Second Street. The City does not have capacity issues if the service is taken off the sewer manhole located 77 feet southwest on E. Mifflin Street.
17. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation. The stated elevation is intended to be protective but does not guarantee a flood proof structure. The Developer/Owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable with.
18. Provide additional detail how the enclosed depression(s) created by the parking entrance(s) to the below building parking area(s) is/are served for drainage purposes. The building must be protected from receiving runoff up through the 100-yr design storm that is current in Madison General Ordinance Chapter 37. If the enclosed depression(s) is/are to be served by a gravity system provide calculations stamped by a Wisconsin P.E. that show inlet and pipe capacities meet this requirement. If the enclosed depression(s) is/are to be served by a pump system provide pump sizing calculations stamped by a Wisconsin P.E. or licensed Plumber that show this requirement has been met.
19. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.

20. 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, or Daniel Olivares (east) at 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>

This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

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.

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

21. It is unclear if this building fully lies within Unit 3 of Madison Development Corporation Avenue Condominium. Add the condominium plat unit line designations to the site plan.

22. The address of 22 N Second St will be inactivated and archived with the demolition of the building. The address of the new building is 1959 E Mifflin St. 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.

23. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan for each floor on a separate sheet for the development of a complete interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) prior to the application submittal for the final Site Plan Approval with Zoning. The approved Addressing Plan shall be included in the final application.

For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

Traffic Engineering Division (Contact Sean Malloy, 266-5987)

24. In order to address neighborhood traffic concerns resulting from this development, the applicant shall submit a deposit of \$10,000 for the installation of traffic calming improvements, improvements may include the installation of speed humps and added signage.

25. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.

26. 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.
27. 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.
28. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
29. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
30. 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 at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
31. Per Section MGO 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
32. All parking ramps as the approach the public Right-of-Way shall not have a slope to exceed 5% for 20 feet; this is to ensure drivers have adequate vision of the Right-of-Way. If applicant believes public safety can be maintained they shall apply for a waiver, approval or denial of the waiver shall be the determination of the City Traffic Engineer.
33. The driveway slope to the underground parking is not identified in the plan set, Traffic Engineering recommends driveway slope under 10%; if the slope is to exceed 10%, the applicant shall demonstrate inclement weather mitigation techniques to provide safe ingress/egress to be approved by the City Traffic Engineer.

Fire Department (Contact Bill Sullivan, 886-4691)

34. Confirm with Traffic Engineering about the presence of on street parking that would interfere with the proposed aerial access lanes.

Parks Division (Contact Kate Kane, 261-9671)

35. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 18166.2 when contacting Parks about this project.

Forestry Section (Contact Brad Hoffman, 267-4908)

36. Damaging Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
37. Excavation As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the plan set.
38. Protection On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.
39. Pruning Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.
40. Soil Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.
41. Street All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.
42. Tree An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

Water Utility (Contact Jeff Belshaw, 261-9835)

43. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested

installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

44. 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.

Metro Transit has reviewed this request and has recommended no conditions of approval.