



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 101 S. Mills Street  
**Application Type:** Zoning Map Amendment and Demolition Permit  
**Legistar File ID #** [39049](#) and [33913](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

## Summary

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

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

**Requested Action:** Approval of a request to rezone 101 S. Mills Street from TR-V1 (Traditional Residential–Varied 1 District) to TR-U1 (Traditional Residential–Urban 1 District) and approval of a demolition permit to allow demolition of a single-family residence and construction of a four-unit apartment building.

**Proposal Summary:** The applicant is requesting to demolish a two-story single-family home constructed in 1924 to allow construction of a three-story apartment building that will contain 4 units. Construction of the apartment complex will occur as soon as all regulatory approvals have been granted, with completion scheduled for June 2015.

**Applicable Regulations & Standards:** Section 28.182 of the Zoning Code provides the process for zoning map amendments. Table 28C-1 of Section 28.032(1) identifies multi-family dwellings with up to 8 units as permitted uses in the TR-U1 zoning district. Section 28.185 provides the process and standards for the approval of demolition and removal permits.

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

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and forward Zoning Map Amendment ID 28.022–00174, rezoning 101 S. Mills Street from TR-V1 to TR-U1, to the Common Council with a recommendation of **approval**, and **approve** a demolition permit to allow demolition of a single-family residence and construction of a four-unit apartment building subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

## Background Information

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

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

**Surrounding Land Use and Zoning:**

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

South: Vicinato Apartments, zoned PD;

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

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

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

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

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

**Zoning Summary:** The subject property will be zoned TR-U1 (Traditional Residential–Urban 1 District):

Requirements	Required	Proposed
Lot Area	4,000 sq. ft.	6,000 sq. ft. (existing)
Lot Width	50'	50'
Front Yard	10' setback average	10'
Maximum Front Yard	No more than 20% greater than block average, up to 30' maximum	Adequate
Side Yard	6'	6'
Reverse Corner Side Yard Setback	12'	12' (Milton Street side)
Rear Yard	20'	41'
Maximum Lot Coverage	50%	42%
Usable Open Space (per unit)	320 sq. ft. per d. u. (1,280 sq. ft)	1,322 sq. ft.
Maximum Lot Coverage	75%	33% (See Zoning comments)
Maximum Building Height	3 stories, 40'	3 stories, 33.33'
Building Form	Small Multi-Family Building	Complies with requirements
Number Parking Stalls	1 per dwelling (4)	3 vehicle stalls, 3 moped stalls
Accessible Stalls	Yes	0 (See Zoning comments)

Requirements	Required	Proposed
Number Bike Parking Stalls	1 per unit up to 2-bedrooms, half space per add. bedroom (6); 1 short term guest space per 10 units (1)	5 interior (long term), 3 exterior (short term) (See Zoning comments)
<b>Other Critical Zoning Items</b>		
Yes:	Barrier Free, Utility Easements	
No:	Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development	
<i>Prepared by: Jenny Kirchgatter, Asst. Zoning Administrator</i>		

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

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

### Previous Hearing

On October 6, 2014, the Plan Commission recommended to the Common Council that a request by the applicant to rezone the subject site from TR-V1 to TR-U2 (Traditional Residential–Urban 2 District) be placed on file, and referred for 6 months a demolition permit to allow a three-story/ four-level apartment building with 6 units to be constructed following the razing of the existing residence. The Council placed the rezoning request on file without prejudice at its October 21, 2014 meeting.

In recommending that the rezoning be placed on file and referring the demolition permit, members of the Plan Commission stated that the proposed six-unit apartment building was too large for the site; that the design/ form of the proposed building was out of character with its surroundings; and that the Commission did not support the unit proposed in the basement/ garden/ lower level of the building.

### Revised Project Description

On May 27, 2015, the applicant submitted a new zoning map amendment request to rezone the 6,000 square-foot parcel at the southeastern corner of S. Mills and Milton streets from TR-V1 to TR-U1, and revised the associated plans to reduce the scope of his project to now call for a four-unit apartment building to be built on the site following demolition of the existing three-bedroom, two-bath single-family residence. The residence to be razed was constructed in 1924 and includes a detached garage accessed from Milton Street. Photos of the residence are included with the application materials and include captions suggesting that the structure suffers from deterioration of exterior masonry and the foundation.

The revised plans for the apartment building calls for 4 three-bedroom units in a three-story building. Two of the units will be principally located on the first floor save for 2 bedrooms for “Unit A”, which will be located on the second floor and be accessed from a stair within that unit. The remaining 2 units will be located on the second floor and include bedrooms on the third floor accessed by stairs internal to their units. All 4 units will be accessed from an entry and hallway at the southwestern corner of the building facing S. Mills Street. The garden level included in the previous plans has been removed, though a basement storage and mechanical room is now proposed. The building envelope continues to measure 27 feet parallel to S. Mills Street and 68 feet, 4 inches parallel to Milton Street. The exterior of the building will be comprised of brick veneer along most of the first floor and “smartside” lap siding elsewhere, with the exception of a two-story cast stone veneer surrounding the entrance.

Parking for the new building will include 2 standard auto stalls and 1 accessible stall to be located in the eastern, rear yard that will be accessed from Milton Street. Parking for 5 bikes are shown, and parking for mopeds is suggested by not clearly identified.

## Analysis

The Planning Division believes that the Plan Commission can find the standards met to allow the demolition of the single-family residence and construction of the four-unit apartment building in the proposed TR-U1 zoning.

On one hand, the photographic evidence provided to support the demolition of the existing home does not suggest that the condition of the structure is dissimilar to the condition of other residential buildings of similar vintage, and demolition of the residence could be viewed as inconsistent with one of the recommendations of the Greenbush-Vilas Neighborhood Housing Revitalization Plan, which suggests that the existing single-family rental home be renovated and converted to homeownership. Furthermore, the Landmarks Commission “strongly regret[ed] the loss of historic value” and did not recommend demolition of the subject residence due to lack of sufficient information regarding the building when it informally reviewed the demolition at its February 17, 2014 meeting.

However, the demolition of the existing home and construction of an apartment building on the site would be consistent with other recommendations of the Greenbush-Vilas Neighborhood Housing Revitalization Plan, which suggest that the 100-block of the east side of S. Mills Street, including the subject site, be developed with workforce housing in large-scale buildings. An apartment building on the subject site would also be consistent with the emerging character of this blockface, which features the four-story Vicinato Apartments extending south to Mound Street and the longstanding three-story College Station Apartments to the east of the site.

The reduced scope allows the applicant to seek a slightly less intensive zoning district for the project. Although multi-family dwellings up to 4 units are permitted in the existing TR-V1 zoning, and multi-family dwellings up to 8 units are permitted in the TR-V2 district, the bulk requirements (lot area, usable open space, yards, etc.) in those districts would not allow 4 units to be developed on the 6,000 square-foot corner site. The bulk requirements of the existing TR-V1 zoning as well as the TR-V2 zoning district would only allow a three-unit building to be built on the site, with 500 square feet of usable open space per unit compared to the 320 square feet required in the proposed TR-U1 district. Information provided by the Zoning Administrator indicates that the proposed four-unit building will meet the bulk requirements of the requested TR-U1 district, and the Planning Division feels that the intensity of that zoning district can be supported for the subject site given the density and scale of development present elsewhere on the block bounded by S. Mills, S. Brooks, Mound and Milton streets, including the adjacent new Vicinato Apartments.

The Planning Division feels that the proposed four-unit apartment building addresses most of the concerns expressed by Planning staff and members of the Plan Commission with the previous proposal for a six-unit building on the subject site. In particular, staff finds that the proposed building meets the building form standards for small multi-family buildings in Section 28.172(6) of the Zoning Code, which anticipate a building with a central entrance oriented to the primary abutting street, and massing, proportions and articulation that respond to existing residential buildings in their vicinity, including features of those buildings such as roof pitch, proportions of windows and doors, and placement on the lot. In general, the revised plans for the four-unit building satisfies these form requirements, including the creation of a stronger façade and orientation to S. Mills Street, which features a common entrance to the 4 units compared to the individual unit entrances along both street facades for the earlier six-unit building. Staff also feels that the elimination of the garden level allows the

new building to be more consistent with the predominant character of residential buildings throughout the Greenbush neighborhood. The reduction in units also brings the proposed 29 unit per acre density of the site more in line with the 25 unit per acre density maximum generally recommended for this block in the Greenbush Neighborhood Plan compared to the over 43 units per acre proposed previously. Whereas previously staff was concerned that both the proposed density and building form suggested a greater amount of development on the site than it could support, staff believes the current proposal reflects an appropriate development alternative for the site should demolition of the existing residence be approved.

## Conclusion

Staff believes that the Plan Commission can find that the request to demolish the single-family residence meets the standards for approval for a demolition permit despite a strong informal recommendation by the Landmarks Commission and an underwhelming case made by the project team regarding the condition of the structure. Demolition of the single-family residence and construction of an apartment building on the site would be consistent with many of the recommendations in the Greenbush-Vilas Neighborhood Housing Revitalization Plan, which suggest that the subject site and remainder of the 100-block of S. Mills Street be redeveloped with large-scale multi-family housing up to 25 units an acre per the Greenbush Neighborhood Plan. The four-unit building shown on the revised plans submitted this spring is better designed and complies with the building form standards in the Zoning Code compared to the previous iteration. The proposed building also better reflects the predominant character of the neighborhood despite being slightly denser than recommended.

## Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and forward Zoning Map Amendment ID 28.022-00174, rezoning 101 S. Mills Street from TR-V1 to TR-U1, to the Common Council with a recommendation of **approval**, and **approve** a demolition permit to allow demolition of a single-family residence and construction of a four-unit apartment building subject to input at the public hearing and the following conditions:

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

1. Revise the development plans prior to final staff approval and the issuance of demolition and building permits as follows:
  - a. Dimension the setbacks of the building on Sheet C101 from the property line to the nearest point on each wall;
  - b. Label the material and color of the panelized material on the bay windows on Sheet A3.0;
  - c. Revise the data tables on Sheet A1.1 and depict visually where necessary on the site plans on Sheets C3.0 and A1.1 the final approved conditions, including all exterior bike parking, any proposed moped parking, the number of dwelling units and bedrooms.

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

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

2. 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 City Assessor's Office can then create the new Address-Parcel-Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.
  3. The address of 101 S. Mills Street is being retired with the demolition of the existing house. The base address of the proposed apartment building is 103 S. Mills Street.
  4. Update apartment labels: Alpha characters are not permitted for addressing purposes. Apt. A has an address of 103 S. Mills St. Apt. 101. Apt. B is 103 S. Mills St. Apt. 102. Apt. C is 103 S. Mills St. Apt. 201. Apt. D is 103 S. Mills St. Apt. 202.
  5. Update all site plan sheets to show the full street name, S. Mills Street.
  6. Roof drains shall be connected to the storm sewer system.
  7. The applicant shall specify how the sanitary sewer lateral connection will be made: saddle, cut in wye, or insert a tee. Cut in wyes shall have Fernco connections to the existing sewer main. The applicant shall require that the contractor have preventative measures for connecting to and disposing of asbestos cement pipe.
8. The site plan shall identify lot and block numbers of recorded Certified Survey Map or plat.
  9. 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.
  10. The applicant's project requires the minor restoration of the street and sidewalk. The applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees.
  11. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
  12. A City-licensed contractor shall perform all work in the public right of way.
  13. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl of the Parks Division, [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of any tree removal or replacement shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
  14. All damage to the pavement on S. Mills Street or Milton Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.

15. This area falls within the TMDL zone for the City of Madison. As a result, it will be subject to higher erosion control standards at the time of development, as authorized by State code and City resolution. You will be expected to meet a higher standard of erosion control than the minimum standards set by the Wisconsin Department of Natural Resources (WDNR).
16. For commercial sites less than 1 acre in disturbance, the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than 1 acre, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
17. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS off of the proposed development by 80% when compared with the existing site.
18. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
19. The applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.
20. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing lateral that serves a building that is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. Note: New plugging procedures and permit fees are in effect as of January 1, 2013.

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

21. The site plan shows 3 off street parking spaces to serve 4 units. This is less than a 1:1 ratio of parking spaces to residential units. A condition of approval shall be that no residential parking permits shall be issued for 101 S. Mills Street, which is consistent with other projects in the area. The applicant shall inform all tenants of this facility requirement in their apartment leases. In addition, the applicant shall submit a copy of the lease for 101 S. Mills Street noting the above condition when requesting final approval of the plans prior to issuance of permits.
22. When the applicant shall submit plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing and proposed property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.

23. 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.
24. 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.
25. All parking facility design shall conform to the standards in MGO Section 10.08(6).

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

26. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, George Dreckmann, prior to a demolition permit being issued. MGO Section 28.185(7)(a)5 of the 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. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission approval.
27. Per MGO Section 28.142(9)(a), the refuse disposal area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Provide a detail of refuse enclosure screening with the final plans.
28. A parking adjustment application shall be submitted with final plans. A parking adjustment subject to MGO Section 28.141(5) shall be required for the substitution of moped parking for a required vehicle stall.
29. A minimum of one van accessible stall is required. A van accessible stall is a minimum of 11 feet wide with a 5-foot wide access aisle. On the final plans, show the accessible stall, striped access aisle, and required sign.
30. Bike parking shall comply with MGO Section 28.141: Verify that the bicycle and moped parking stalls will not obstruct the access aisle of the van accessible stall. The bicycle parking and moped parking spaces may share a 5-foot access aisle with the van accessible stall. The access aisle must remain clear of all obstructions, including from bikes and mopeds. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures and to avoid obstructing the access aisle.
31. Submit a detail with the final plans showing how lot coverage is calculated as defined in MGO Section 28.211.
32. 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.

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

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| 33. Exiting shall comply with IBC Chapter 10 and specifically IBC 1021.2 Single Exits. |
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34. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Lt. Scott Bavery of the MFD Training Division at 576-0600 to discuss this possibility.

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

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

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

36. Park impact fees (comprised of the Park Development Impact Fee per MGO Sec. 20.08(2) and the Parkland Impact Fee in lieu of land dedication per MGO Sec. 16.23(8)(f) and 20.08(6)) will be required for all new residential development lest a credit for the single-family residence to be demolished. The developer must select a method for payment of park fees before signoff on the demolition permit and rezoning. This development is within the Vilas-Brittingham park impact fee district (SI27). Please reference ID# 14131 when contacting Parks Division staff about this project.

37. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to final approval of the site plan.

38. 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*.

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

40. Approval of plans for this for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.

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

This agency did not provide comments for this request.