



**Project Address:** 2223 Atwood Avenue  
**Application Type:** Demolition Permit  
**Legistar File ID #** [33218](#)  
**Prepared By:** Kevin Firchow, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted

## Summary

**Applicant:** Liz Lauer; 2223 Atwood LLC; 2209 Lakeland Avenue; Madison, WI 53704  
**Contact:** David Ferch; Ferch Architecture; 2704 Gregory Street; Madison, WI 53711  
**Property Owner:** Liz Lauer; 2223 Atwood LLC; 2209 Lakeland Avenue; Madison, WI 53704

**Requested Action:** The applicant requests approval of a demolition permit to raze a mixed-use building for the purpose of constructing a new mixed use building.

**Proposal Summary:** Upon demolition of the existing structure, the applicant proposes to construct a three-story mixed-use building with five dwelling units and 1,260 square feet of commercial office space. This use is permitted and no conditional use permits are being sought.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Demolition Permits [M.G.O. Section 28.185(7)].

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the demolition permit to raze a mixed-use building for the purpose of constructing a new mixed-use building at 2223 Atwood Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 5,055 square foot subject property is located at the intersection of Atwood and Evergreen Avenues. The site is within Aldermanic District 6 and within the limits of the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is currently developed with a existing mixed-use building with two dwelling units and surface parking lot. The letter of intent states the building had two dwelling units and information from the Assessor's office states the building has one dwelling unit.

### Surrounding Land Use and Zoning:

North: Bicycle path and St. Paul Avenue right-of-way with small residential structures beyond, zoned TR-V1 (Traditional Residential-Varied 1);

South: Single and two-family homes, zoned TR-V1;

East: Mixed-use buildings fronting on Atwood Avenue, zoned TSS (Traditional Shopping Street); and

West: Mixed-use buildings fronting on Atwood Avenue, zoned TSS.

**Adopted Land Use Plan:** The Comprehensive Plan recommends neighborhood mixed use development

**Zoning Summary:** The property is zoned TSS (Traditional Shopping Street District)

Category	Dimensional Requirements	Proposed Development
Front yard setback	Maximum 25'	3'
Side yard setback:	0'	0'
Rear yard setback:	20'	45'±
Maximum lot coverage	85%	56.9%
Maximum height	3 stories	3 stories / 36'
Site Design	Required	Proposed
Number parking stalls	0	5
Accessible stalls	1	1 (4)
Loading	0	0
Number bike parking stalls	Residential = 5 Commercial = 2 total = 7	2 – surface (in R-O-W) 6 - interior 8 (6)
Landscaping	Yes	Yes
Lighting	Yes	Yes
Building forms	Yes	Meets building forms req.
<b>Other Critical Zoning Items</b>	Barrier free (ILHR 69)	

Table Prepared by Patrick Anderson, Assistant Zoning Administrator

**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.

## Project Description, Analysis, and Conclusion

The applicant proposes to demolish an existing two-story mixed use building for the purpose of constructing a larger mixed use building. The proposed use and building is permitted under the CC-T zoning district and no conditional use is being sought. This request is subject only to the demolition approval standards.

The existing building, constructed in 1920, includes two dwelling units and commercial space. The letter of intent states that this property was “gutted” for renovations over 10 years ago under a previous owner and the building has sat vacant since that time. Photos of the existing building are included in the application materials and can be viewed online at: [http://www.cityofmadison.com/planning/projects/reports/2223aa\\_photos2.pdf](http://www.cityofmadison.com/planning/projects/reports/2223aa_photos2.pdf)

The proposed building is a three-story mixed use building with five apartments and a 1,260 square foot ground floor commercial space. The residential dwelling mix includes four two-bedroom units and one efficiency unit. Four surface parking stalls will be provided at the rear of the site. A new six-foot high wooden fence is also proposed along the rear lot line.

The lower two floors of the proposed building will be clad in brick. The third story, which is stepped in just over three feet from much of the front façade is clad in two shades of red fiber cement siding. It appears this material is intended to match the brick façade. While the Planning Division doesn't believe changes to the material palette are necessary to meet the demolition standards, the applicant is encouraged to consider more color contrast between the brick and fiber cement siding. Staff believes it would be difficult to provide an exact match (which could be worsened with fading over time) and believes it would be more appropriate to contrast these distinct materials.

Staff believes the Demolition Approval Standards can be met. In order to approve the requested demolition, the Plan Commission must find that the proposed demolition and future use are both 1) consistent with the intent and purpose of the zoning district and 2) that the proposed future use is compatible with the purpose of the demolition section of the ordinance. The demolition standards also state that the proposed use should be compatible with adopted plans. The proposed use is permitted in the TSS District and consistent with the recommendations of the Comprehensive Plan. When making their findings, the Plan Commission shall consider and may give decisive weight to any relevant facts including the impact of the demolition and proposed use on the normal and orderly development and improvement of surrounding properties. Finally, as with all demolition requests, the Preservation Planner provided these plans to the Landmarks Commission who found that the existing building has no known historic value.

The Planning Division notes that the Traffic Engineering Division has raised a "Major/Non-Standard" condition regarding building placement and has recommended that the building be altered to provide a five-foot "vision triangle" at the corner to improve site lines approaching the intersection. At the time of report writing, staff had advised the applicant to further discuss this condition with Traffic Engineering staff.

At the time of report writing, staff was not aware of any neighborhood concerns on this proposal. Staff believes the proposed building fits well within the surrounding context. There are comments in support of this request by the District Alder who also cites the support of the Marquette Neighborhood Association.

## Recommendation

### Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the demolition permit to raze a mixed-use building for the purpose of constructing a new mixed-use building at 2223 Atwood Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

### Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

1. The private storm sewer shown along the easterly side that is shown within the public right of way will require an Encroachment Agreement with the City of Madison to be constructed as shown. The storm sewer configuration is subject to approval by Engineering staff. If approved as shown, applicant shall complete and submit a Privilege in Streets Application with the Office of Real Estate Services. The application information can be found at the following link:  
<http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm>

2. The address of 2223 Atwood Ave will be retired and inactivated with the demolition of the building. The address for the residential section shall have a base address of 2225 Atwood Ave. The address for the commercial space is 2229 Atwood Ave.
  3. The roof drains shall be connected to the storm sewer system.
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4. The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project. (MGO 16.23(9)c)
  5. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
  6. Submit a PDF of all floor plans to [izenchenko@cityofmadison.com](mailto:izenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. 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.
  7. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
  8. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
  9. The approval of this Conditional Use or PUD does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester. (MGO 16.23(9)(d)(6))
  10. 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)
  11. The Applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)
  12. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)

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 City Parks Department - [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. (POLICY)
14. All damage to the pavement on Evergreen Avenue and Atwood Avenue, 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)
15. 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.
16. The site plans shall be revised to show the location of all rain gutter down spout discharges. (POLICY)
17. 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
18. 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 7.5-tons per acre per year.
19. 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)
20. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Reduce TSS off of the proposed development by 80% when compared with the existing site and b) 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 Chapter 37 of the Madison General Ordinances.
21. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain 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) all underlying lot lines or parcel lines if unplatted, g) lot numbers or the words "unplatted", h) lot/plat dimensions, i) street names, and all other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred [izenchenko@cityofmadison.com](mailto:izenchenko@cityofmadison.com) . Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))

22. 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, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).
23. 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... and d) Sediment loading calculations.
24. 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))

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

25. Placement of the building directly on the corner of the property line is likely to cause conflicts between pedestrians on the sidewalk at the corner where the sidewalks intersect. This also will limit the visibility of pedestrians on the sidewalk for motor vehicles on Evergreen as they approach Atwood Avenue. The applicant shall provide a 5' vision triangle at the property corner to improve pedestrian visibility.
  26. Applicant shall submit a construction plan for Traffic Engineering review prior to sign off of final plans. Applicant shall plan on using construction methods above and beyond normal means to maintain sidewalk and travel lanes within Atwood Ave right of way at all times.
27. The applicant shall submit one contiguous plan for approval. The plan drawing 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 City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
  29. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

30. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances prior to sign installations.
31. Sec. 28.185 (7)(a)5. requires approval of a reuse and recycling plan by the Recycling Coordinator, Mr. George Dreckmann(608-267-2626), prior to the issuance of the demolition permit.
32. Sec. 28.185 (10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
33. Pursuant to section 28.141 (4) (e), Parking Requirements For Persons With Disabilities, the provisions contained in Wis. Stat. §§ 101.12, 346.503, and 346.56 and any related Wisconsin Administrative Code sections are applicable to parking facilities in this building. Final submitted plans shall represent compliance with these requirements.
34. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Bicycle parking design and location shall comply with Sec. 28.141 (11) of the City of Madison General Ordinances. Provide bike rack details with final plan set. Bicycle parking proposed for placement in the public right-of-way will require approval from the Traffic Engineer and City Real Estate section.
35. Provide details of refuse enclosure.
36. Screening shall be provided along District boundaries lines subject to Section 28.142 (8). Provide a detail of the proposed screening.

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

37. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
38. Provide fire apparatus access as required by IFC 503 2012 edition, MGO 34.503, MGO 34.503/IFC 503 Appendix D105, Provide an aerial apparatus access fire lane that is at least 26-feet wide, if any part of the building is over 30 feet in height. The near edge of the aerial fire lane shall be within 30-feet and not closer than 15 feet from the structure, and parallel to one entire side. The aerial fire lane shall cover not less than 25% of the building perimeter.
39. 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.

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

40. The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is not 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.

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

41. 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 after a credit is given for the existing multi-family unit on the property. The developer must select a method for payment of park fees before signoff on the demolition permit. This development is within the Olbrich park impact fee district (SI25). Please reference ID# 14112 when contacting Parks about this project.
42. 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 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 the approval of the site plan.
43. 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 tree planting plan (in PDF format) to Dean Kahl – 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>.

44. 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.

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

45. In coordination with public works improvements, the applicant shall install and maintain concrete passenger boarding pad on the south side of Atwood Avenue, west of the Evergreen Avenue intersection. The concrete pad shall occupy the full distance of the terrace, measure a minimum of 10 feet in width parallel to the street, and lie flush between the sidewalk and the top of curb.
46. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.
47. Metro Transit operates daily transit service along Atwood Avenue through the Evergreen Avenue intersection. Bus stop ID#1887 is adjacent the proposed project site, with the signed bus stop zone encompassing the area from intersection west approximately 100 feet.