

PLANNING DIVISION STAFF REPORT

August 7, 2023



PREPARED FOR THE PLAN COMMISSION

Project Address: 925-995 Applegate Road

Application Type: Demolition Permit

Legistar File ID # [78636](#)

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

Summary

Applicant & Contact: Josh Wilcox; Gary Brink & Associates, Inc.; 2248 Deming Way, Suite 120; Middleton, WI 53562
Property Owner: Duggan & Edmunds Land, LLC.; 925 Applegate Road, Madison, WI 53713

Requested Action: Consideration of a demolition permit to demolish two commercial buildings at 925-995 Applegate Road.

Proposal Summary: The applicant is requesting approval to demolish two commercial buildings. Demolition of the buildings will commence in September 2023.

Applicable Regulations & Standards: This proposal is subject to the standards for demolition permits [MGO Section 28.185(9)(c)].

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow the buildings at 925-995 Applegate Road to be demolished, 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 westerly 995 Applegate Road lot is 40,400 square-feet (0.92 acres) in size while the 925 Applegate Road lot, located directly to the east, is 44,650 square-feet (1.03 acre) in size. Both are located on the south side of Applegate Road, in between Latham Drive and Perry Street, as well as within Alder District 14 (Ald. Knox, Jr.) and the Madison Municipal School District.

Existing Conditions and Land Use: Both lots are developed with commercial buildings. The westerly lot (995 Applegate Road) contains a roughly 6,800-square-foot, one-story commercial building which City Assessor's Office records note was originally constructed in 1955 (and has been added onto twice). The lot contains surface parking located to the west and south of the building. The easterly 925 Applegate Road site contains a roughly 6,340-square-foot, one-story commercial building, which Assessor's Office records note was originally constructed in 1955 (and has also been added onto twice). Surface parking is located to the north, east, and south of the building. The properties are both zoned IL (Industrial – Limited) District.

Surrounding Land Use and Zoning:

North: Across Applegate Road is the Beltline Highway (US Highways 12 & 18);

South: One-story commercial buildings, zoned IL (Industrial – Limited) District;

East: A one-story commercial building, zoned IL; and

West: A one-story, multi-tenant office building, zoned IL.

Adopted Land Use Plans: The 2018 [Comprehensive Plan](#) recommends Industrial (I) uses for the subject site. The site is not within the boundaries of any other adopted plans.

Zoning Summary: The property is zoned IL (Industrial – Limited) District

Site Design	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	85,056 sq. ft.
Lot Width	75'	258.89'
Front Yard Setback	0' or 5'	Adequate
Side Yard Setback	None if adjacent to property zoned IL or IG 10' if adjacent to property zoned anything other than IL or IG	Adequate
Rear Yard Setback	30'	Adequate
Maximum Lot Coverage	75%	73.1%
Maximum Building Height	None	3 stories
Other Critical Zoning Items:	Utility Easements	

Tables Prepared Jenny Kirchgatter, Assistant Zoning Administrator

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

Public Utilities and Services: The subject site is served by a full range of urban services.

Project Description, Analysis, and Conclusion

Project Description

The applicant is requesting approval to demolish two one-story commercial buildings –

- At 995 Applegate Road – a roughly 6,800-square-foot building which City Assessor’s Office records note was originally constructed in 1955 (and has been added onto twice); and
- At 925 Applegate Road – a roughly 6,340-square-foot building, which Assessor’s Office records note was originally constructed in 1955 (and has also been added onto twice).

Post demolition, the applicant notes that the sites will be graded and seeded. In the future, the applicant intends to develop a three-story building that includes warehouse, office, and rentable flex industrial space. The future building will be a permitted use in the IL zoning district requiring administrative site plan review prior to issuance of building permits. A Certified Survey Map (CSM) may also be required to combine the existing lots for any new building proposed following the requested demolition.

Compliance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Industrial (I) uses for the subject sites. There is no neighborhood plan which has recommendations for the subject sites.

Staff believe the proposed demolition is consistent with these recommendations.

Demolition Approval Standards

At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove consideration of proposed future use as a factor in approving demolition requests. The Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests and find them met in order to approve. The factors include a finding 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 statement of purpose in Section 28.185 states, in part:

“The purpose of this section is therefore to ensure the preservation of historic buildings, encourage applicants to strongly consider relocating rather than demolishing existing buildings, aid in the implementation of adopted City plans, maximize the reuse or recycling of materials resulting from a demolition, protect the public from potentially unsafe structures and public nuisances...”

Staff believes that standards can be found met and provides the following additional information.

In regards to Standard 1 related to the possible building relocation efforts, the Plan Commission is required to consider any information provided related to possible relocation activities. To this, the applicant has noted that the design team engineers *“evaluated each building separately and determined that they are not able to be relocated due to structural make up and multiple additions.”*

Related to the historic value of the structures, staff notes that Standard 4 states:

“The Plan Commission has received and considered 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 June 26, 2023 meeting, the Landmarks Commission found that the existing building at 925 Applegate Road has no known historic value. At its July 17, 2023 meeting, the Landmarks Commission found that the existing building at 995 Applegate Road has no known historic value.

In regards to Standard 6, Planning Division staff have not received any comments from City Building Inspection, Fire, or Police and have no further condition information other than the interior and exterior [photos](#). From the submitted information, staff is not aware of significant structural issues. While the code notes that the condition of the structure(s) must be considered, it does not specify that a certain structural condition or level of disrepair is necessary in order to approve a demolition.

Standard 7, which includes references the standards 1-6 states that *“The Plan Commission shall consider the factors and information specified in items 1-6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison.”* The Planning Division has no information to suggest that the proposed demolition would not meet the standards of approval for demolition permits in Section 28.185(9)(c).

In conclusion, the Planning Division believes that the Demolition Approval Standards can be found met.

Public Input

At the time of report writing, staff had not received any public comment on this proposal.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow the buildings at 925-995 Applegate Road to be demolished, subject to input at the public hearing and the following conditions:

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

City Engineering Division (Contact Timothy Troester, (608) 267-1995)

1. 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.
2. An Erosion Control Permit is required for this project.
3. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or the Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
4. This project will disturb 20,000 square feet 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.
5. 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.
6. 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.
7. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

City Engineering Division – Mapping Section (Contact Julius Smith, (608) 264-9276)

8. The proposed new building crosses an underlying platted lot line. Prepare a Certified Survey Map (CSM) and submit to the Planning Unit to dissolve underlying lot lines to comply with fire codes, City Ordinances and City Policies. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and new Tax Parcel information available prior to issuance of a building permit or early start permit.
9. Coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final forthcoming CSM.
10. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance. Existing cross access between this parcel and the westerly parcel, will need to be addressed in an agreement. The forthcoming CSM appears to give rights but a declaration of rights would be advised as a supplement to a general easement with no terms/or an easement granted subsequent to the CSM. Additionally consider addressing encroachments the easterly parcel has constructed on the site in an agreement.
11. Ownership for the two parcels are in different entity names. Record the necessary documents to update the parcels ownership.
12. Correct the document number(s) for the sign easement on the plans. Confirm proposed structure is either clear of or allowed to encroach the Billboard Easement. Current layout appears to encroach Southeast corner of easement. Also confirm pond improvements will be allowed in the easement area. Note document number noted on plans, 5047987, is for an erroneous mortgage document.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

13. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

14. Section 28.185(9)(b) 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)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.
15. This review is for the demolition only. Following approval of the demolition, a permitted use site plan review will be required for the proposed three-story building and parking lot.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

16. 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.

17. 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 Avenue. 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.

The Planning Division, Parking, Fire Department, Forestry, and Parks Division have reviewed this request and have recommended no conditions of approval.