



PREPARED FOR THE PLAN COMMISSION

Project Address: 1401-1403 Theresa Terrace (20th Aldermanic District, Ald. Phair)
Application Type: Demolition Permit and Zoning Map Amendment
Legistar File ID #: [74910](#) and [75181](#)
Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Madison Revitalization and Community Development Corp. (MRCDC); P.O. Box 2983; Madison, WI 53701
Contact: Dan Johns; Office of Real Estate Services/CDA Redevelopment; 215 Martin Luther King, Jr. Blvd #300; Madison, WI 53701
Property Owner: City of Madison CDA; 215 Martin Luther King, Jr. Blvd #161; Madison, WI 53701

Requested Actions: The applicant is making two requests:

- ID [74910](#) – Consideration of a demolition permit to raze a two-family residence; and
- ID [75181](#) – Consideration of a Zoning Text Amendment to rezone the property located at 1401-1403 Theresa Terrace from the SR-C3 (Suburban Residential-Consistent 3) District to the SR-V1 (Suburban Residential-Varied 1) District.

Proposal Summary: The applicant is making two requests – 1) consideration of a demolition permit in order to raze a two-family residence and 2) consideration of a Zoning Text Amendment to rezone the approximately 0.24 acres of property at 1401-1403 Theresa Terrace from the SR-C3 (Suburban Residential-Consistent 3) District to the SR-V1 (Suburban Residential-Varied 1) District - all in order to construct a building with three single-family attached dwellings. Note: a single-family attached dwelling with three units is a permitted use in the SR-V1 District.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments and Section 28.182 provides the process for demolition permits.

Review Required By: Plan Commission and Common Council.

Summary Recommendation: The Planning Division recommends the following to the Plan Commission regarding the applications for 1401-1403 Theresa Terrace:

- That the Plan Commission find the standards for demolition permits are met to **approve** demolition of the two-family residence; and
- That the Plan Commission forward Zoning Map Amendment ID 28.022–00607, rezoning 1401-1403 Theresa Terrace from the SR-C3 (Suburban Residential-Consistent 3) District to the SR-V1 (Suburban Residential-Varied 1) District, to the Common Council with a recommendation of **approval**.

The recommendations are subject to input at the public hearing and demolition-related conditions from reviewing agencies beginning on **page 5**. Other comments related to the future use are identified as a reference of permitted use site-plan review requirements that will need to be met, but these are not conditions of approval related to the requests before the Plan Commission that that body may modify or waive.

Background Information

Parcel Location: The 10,400-square-foot (0.24-acre) subject parcel is located on the east side of Theresa Terrace, in between Hammersley Road and Jacobs Way. The site is within Aldermanic District 20 (Ald. Phair), as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is currently developed with a roughly 1,850-square-foot ranch duplex apartment building. According to City Assessor records, it was originally constructed in 1971 and contains two units which each contain four bedrooms. While there is a two-car-deep driveway located both to the north and south of the building, the building does not contain garages. The subject site is zoned SR-C3 (Suburban Residential-Consistent 3) District.

Surrounding Land Uses and Zoning:

North: A ranch duplex in the SR-C3 (Suburban Residential-Consistent 3) District;

South: A ranch duplex in the SR-C3 District;

East: Two ranch duplex condominiums and a traditional ranch duplex, all in the SR-C3 District; and

West: Across Theresa Terrace are traditional ranch duplexes and ranch duplex condominiums, all in the SR-C3 District.

Adopted Land Use Plans: The 2018 [Comprehensive Plan](#) recommends Low-Medium Residential (LMR) development which it describes as roughly 7-30 dwelling units per acre and one to three stories. The [Southwest Neighborhood Plan \(2008\)](#) identifies the Bettys Lane-Theresa Terrace-Hammersley Road area as a priority target for housing improvements and revitalization strategies that encourage neighborhood investment. Regarding the CDA duplex units specifically, the Plan identifies them as potential candidates for the Section 8 Homeownership Program or other rehabilitation programs.

Zoning Summary: The property is proposed to be rezoned into the SR-V1 (Suburban Residential-Varied 1) District.

Requirements	Required: Single-family attached (3-4 unit)	Proposed
Lot Area (sq. ft.)	1,500 sq. ft./d.u.	10,400 sq. ft.
Lot Width	20' d.u.	80.0'
Front Yard Setback	25'	TBD
Side Yard Setback	Exterior end walls: 6'	TBD
Rear Yard Setback	Lesser of 25% lot depth or 30'	TBD
Usable Open Space	100 sq. ft./d.u.	TBD
Maximum Lot Coverage	90%	TBD
Maximum Building Height	3 stories/ 40'	TBD

Other Critical Zoning Items	Utility Easements
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Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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

Public Utilities and Services: This property is served by a full range of urban services. Regarding Metro Transit service, the nearest stop is located roughly 0.1-miles to the northeast at the intersection of Hammersley Road and Prairie Road.

Project Description, Project Analysis, and Conclusion

The applicant is requesting approval to rezone the roughly 0.24-acre parcel at 1401-1403 Theresa Terrace from the SR-C3 (Suburban Residential-Consistent 3) District to the SR-V1 (Suburban Residential-Varied 1) District as well as approval to raze the existing two-family residence - all in order to construct a building with three single-family attached dwellings. Note: a single-family attached dwelling with three units is a permitted use in the SR-V1 District. Section 28.182 of the Zoning Code provides the process for zoning map amendments and Section 28.182 provides the process for demolition permits.

The existing building proposed for demolition is a roughly 1,850-square-foot ranch duplex apartment building. According to City Assessor records, it was originally constructed in 1971 and contains two units with a total of eight bedrooms. The applicant has submitted [demolition photos](#) which show a building suffering from noted leaks and mold issues. The building's demolition is further discussed later in this report.

Compliance with Adopted Plans

The 2018 [Comprehensive Plan](#) recommends Low-Medium Residential (LMR) development which it describes as roughly 7-30 dwelling units per acre and one to three stories. Staff believe the rezoning to the SR-V1 District, which allows detached single-family residences, two units, three units, single-family attached dwellings (with 3-4 units), and multi-family buildings with up to eight units as permitted uses, is consistent with the Comprehensive Plan's LMR recommendation. Staff note that for the 0.24-acre subject site, an eight-unit building (i.e. the most number of dwelling units that could be built in the SR-V1 District as a permitted use), equates to 36 units per acre.

The [Southwest Neighborhood Plan \(2008\)](#) identifies the Bettys Lane-Theresa Terrace-Hammersley Road area as a priority target for housing improvements and revitalization strategies that encourage neighborhood investment. Regarding the CDA duplex units specifically, the Plan identifies them as potential candidates for the Section 8 Homeownership Program or other rehabilitation programs.

Staff believe the proposal is consistent with adopted plans.

Zoning Map Amendment Standards

In order to approve the zoning map amendment, the Common Council shall find that the zoning map amendment is *consistent with* the City's [Comprehensive Plan](#) as required by Chapter 66.1001(3) of Wisconsin Statutes. "Consistent with" is defined as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan." As noted above, Staff believe the proposal is consistent with adopted plans.

Demolition Permit 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. In order to approve a demolition request under the revised standards, the Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests. 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 Planning Division believes that the standards for Demolition Permits can be found met, but provides the following comments regarding Standards 1, 4, and 6.

Standard 1 states that *“the applicant has included information related to any efforts to relocate the building, including but not limited to assessing the costs of relocation, the impact of relocation on city terrace trees, and the structural soundness of the building.”* In submitted materials, the applicant has noted that they are open to the structures being relocated to another site. However, in communications with Staff, the applicant notes several reasons for this being an unlikely occurrence. First, they note that the existing structure is a split-level with a substantial amount of the living space below grade, which makes any relocation extremely difficult. The second reason is the health hazard presented by the mold. The applicant notes that the mold’s presence has prevented the CDA from renting the units since 2019. So even if the structure was relocated, the mold would still need to be thoroughly remediated, all before any rehabilitation could occur. Given those points, the applicant believes that relocation is not a viable or cost-effective option. Staff have not received or reviewed information regarding costs of moving or impacts on street trees but do note that there are large street terrace trees in front of the house.

Staff also makes note of Standard 4, *“That 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 November 14, 2022 meeting, the Landmarks Commission found that the existing building at 1401-1403 Theresa Terrace has no known historic value.

Finally, Standard 6 states that *“The Plan Commission shall consider the condition of the building or buildings proposed for demolition or removal. In order to find this standard met, the Plan Commission may consider a report of the Madison Fire Department, Police Department, and/or Building Inspection Division regarding the proposed demolition, including whether any evidence of a potential fire hazard, unlawful use of the property, public nuisance, or other public health and safety concern supports demolition or removal.”* Given the points raised above - about the significant portion of the structure being below grade making relocation extremely difficult, in addition to the mold and required remediation, Staff believe the Plan Commission can find this standard met.

Planning Division staff believe all other standards of approval can be found met or are not applicable to this request.

Public Input

At the time of report writing, staff has not received any comments on the proposed request.

Conclusion

The applicant is requesting approval to rezone the roughly 0.24-acre parcel at 1401-1403 Theresa Terrace from the SR-C3 (Suburban Residential-Consistent 3) District to the SR-V1 (Suburban Residential-Varied 1) District as well as approval to raze the existing two-family residence

The Planning Division believes that the standards for Zoning Map Amendments and Demolition Permits can be found met with this proposal. From a land use standpoint, the proposal is consistent with the [Comprehensive Plan](#)’s recommendation for the subject site of Low-Medium Residential (LMR) development which it describes as roughly 7-30 dwelling units per acre and one to three stories. Regarding the demolition, Staff believe the significant mold documented in the structure in addition to the split-level design of the building (and the fact that a significant amount of it is below grade) prevent the relocation from being a viable or cost-effective option.

Recommendation

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

The Planning Division recommends the following to the Plan Commission regarding the applications for 1401-1403 Theresa Terrace:

- That the Plan Commission find the standards for demolition permits are met to **approve** demolition of the two-family residence; and
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Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

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

1. Per the recommendation of City Engineering, the applicant has agreed to install a sump pump system. Discharge shall be to the NS swale in the back yard. Further the NS swale shall be maintained and relocated a minimum of 15' from the foundation of the proposed building.
2. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>. As a condition of the permit a deposit to cover estimated City expenses will be required.
3. 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))
4. Serve each unit of a triplex building by a separate and independent sanitary sewer lateral or put in place an ownership/maintenance agreement (recorded) prior to plan approval. (Policy)

City Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

5. This parcel is Westvale Condominium No 1. The condominium will need to be terminated or amended.
6. The site plan places the dwelling and parking structure right at minimum setbacks and immediately adjacent to the utility easements. It is recommended to add cushion to the placement of the structures by several inches inside of the minimum setbacks and to have the property surveyed by a professional land surveyor to assure the proper placement of the structures.

7. There isn't enough addressing room to have each townhouse have their own individual address. The addresses for the townhouses are 1401 Theresa Ter # 101, 103 & 105 (north to south). 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.

Madison Fire Department (Contact Bill Sullivan, (608) 261-9658)

8. Install fire sprinkler protection in accordance with NFPA 13D. Either a dedicated sprinkler system or a multi-purpose piping system domestic/fire are both acceptable.

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

9. 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's approval.
10. Following approval of the demolition, a permitted use site plan review will be required for the proposed three-unit single-family attached dwelling and accessory building.

Parks Division (Contact Ann Freiwald, (608) 243-2848)

11. 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 West Park-Infrastructure Impact Fee district. Please reference ID# 22056 when contacting Parks about this project.
12. Pursuant to the authority established under Wis. Stat. § 66.0617(7), and in the interests of promoting the development of low-cost housing in the City, low-cost housing is exempt from the park impact fees beginning January 1, 2017. This exemption only applies to those dwelling units or bedrooms within a development that are determined to be low-cost housing. This exemption does not extend to the land dedication requirements set forth under Sec. 16.23(8)(f), MGO, nor any other impact fees that may apply to a development.
13. The park impact fee will be exempt for developments that meet the "low-cost housing" requirements, as defined as rental or owner-occupied housing units that are affordable, as that term is defined in Sec. 4.22(2), MGO, and which meet the deed restriction requirements of Sec. 4.22(7). The determination whether a proposed development will create low-cost housing, and how much low-cost housing it will create, shall be made by the Community Development Division.

Forestry (Contact Brandon Sly, (608) 266-4816)

14. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. 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.
15. 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 street tree plan set.
16. 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 (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
17. 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 at (608) 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 site, grading, utility, demolition and street tree plan sets.
18. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) 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 both the site and street tree plan sets.
19. 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 both the site and street tree plan sets.
20. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608) 266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

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

21. Dwellings shall have separate water services, curb stops, lines and meters. The water service may be split in the terrace, with separate curb stops, lines and meters.
 22. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.
 23. Submit a Site Utility plan indicating how each new townhome will be provided water service.
24. 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.

The Planning Division, Traffic Engineering, and Metro Transit have reviewed this request and have recommended no conditions of approval.