

PLANNING DIVISION STAFF REPORT

October 7, 2024



PREPARED FOR THE PLAN COMMISSION

Project Address: 2248-2256 Roth Street (12th Alder District - Alder Latimer Burris)

Application Type: Demolition Permit and Zoning Map Amendment

Legistar File ID # [84821](#) and [85057](#)

Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Adam Kaniewski; Parks Division; 330 E Lakeside Street; Madison, WI 53715

Contact: City of Madison Parks Division (Eric Knepp, Superintendent); 330 E Lakeside Street; Madison, WI 53715

Requested Actions: This proposal involves two requests: 1) Consideration of a demolition permit to demolish a single-family residence at 2250 Roth Street; and 2) Consideration of a Zoning Map Amendment to change the zoning of property located at 2248-2256 Roth Street from the TR-C4 (Traditional Residential-Consistent 4) District to the PR (Parks and Recreation) District.

Proposal Summary: The applicant proposes to demolish 1½-story, 1,263-square-foot, two-bedroom residence with attached two-car garage. The City's Assessor's Office notes the residence was constructed in 1942. Upon demolition, the applicant intends to restore the footprint to grass to be maintained as part of the new City of Madison Tilton Park which will be created as a result. The three sites will all be rezoned to the PR (Parks and Recreation) District to be match the zoning of the adjacent East Madison Little League baseball fields to the north and east.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. This proposal is also subject to the standards for demolition permits [MGO Section 28.185(7)].

Review Required By: Plan Commission and Council

Summary Recommendation: The Planning Division recommends the following to the Plan Commission:

- That the Plan Commission that the standards for demolition permits are met to **approve** the demolition of a single-family residence at 2250 Roth Street; and
- That the Plan Commission forward Zoning Map Amendment ID 28.022-00690, to change the zoning of the property at 2248-2256 Roth Street from the TR-C4 (Traditional Residential-Consistent 4) District to the PR (Parks and Recreation) District, to the Common Council with a recommendation of **approval**.

These recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The three subject parcels – the westernmost property (2248 Roth Street), central (2250 Roth Street), and easternmost (2256 Roth Street) – are each 4,884 square-feet in size and are all located on the north side of Roth Street, in between Packers Avenue (WI-113) and East Madison Little League (Baseball) fields. They are all located within Alder District 12 (Alder Latimer Burris) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The three properties are all zoned Traditional Residential – Consistent 4 (TR-C4) District. The westernmost property, 2256 Roth Street, is undeveloped. The site at 2250 Roth Street is developed with a 1½-story, 1,263-square-foot, two-bedroom residence with attached two-car garage. The City’s Assessor’s Office notes the residence was constructed in 1942. Finally, the easternmost property, 2256 Roth Street, is mostly undeveloped, save for the driveway located along the west property line which serves the single-family residence at located 2250 Roth Street.

Surrounding Land Use and Zoning:

- North & East: East Madison Little League Baseball fields, zoned PR (Parks and Recreation) District;
- South: Across Roth Street is the East Madison Little League baseball fields, zoned PR (Parks and Recreation) District, beyond which are single-family residences zoned Traditional Residential – Consistent 4 (TR-C4);
- West: Packers Avenue (WI-113), beyond which is the former Oscar Meyer manufacturing and warehouse facility, zoned Industrial-Limited (IL) District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) uses for the subject sites which it describes as up to 15 dwelling units per acre and one to two stories in height. The [Oscar Meyer Special Area Plan](#) (2020) recommends Parks and Open Space for the subject sites as well as the East Madison Little League baseball fields to the north and east. The [Emerson East-Eken Park-Yahara Neighborhood Plan](#) (2016) does not provide specific recommendations for the subject sites.

Zoning Summary: The sites are proposed to be zoned to the PR (Parks and Recreation) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	5 acres	14,652 sq. ft.
Lot Width	300’	132’
Front Yard Setback	30’	TBD
Side Yard Setback	30’	TBD
Rear Yard Setback	30’	TBD
Maximum Lot Coverage	None	TBD
Maximum Building Height	2 stories/35’	TBD

Other Critical Zoning Items		
	Yes	Urban Design (UDD #4); Adjacent to Park; Utility Easements; TOD Overlay
	No	Historic District; Floodplain; Barrier Free (ILHR 69); Wetlands; Wellhead Protection District

Prepared by Jenny Kirchgatter, 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. Metro Transit operates service to the south along North Street.

Project Description, Project Analysis, and Conclusion

The applicant proposes to demolish 1½-story, 1,263-square-foot, two-bedroom, single-family residence with attached two-car garage at 2250 Roth Street. The City’s Assessor’s Office notes the residence was constructed in 1942. Upon demolition, the applicant intends to restore the footprint to grass to be maintained as part of the new City of Madison Tilton Park which will be created as a result. The three sites will all be rezoned to the PR (Parks and Recreation) District to be match the zoning of the adjacent East Madison Little League baseball fields to the north and east.

The applicant has submitted [demolition photos](#) and, regarding the condition of the structure, stated that it is in “*poor condition, showing obvious signs of deferred maintenance for a number of years.*” Planning Division Staff has not inspected the building.

Compliance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Low Residential (LR) uses for the subject sites which it describes as up to 15 dwelling units per acre and one to two stories in height. The [Oscar Meyer Special Area Plan](#) (2020) recommends Parks and Open Space for the subject sites as well as the East Madison Little League baseball fields to the north and east. The [Emerson East-Eken Park-Yahara Neighborhood Plan](#) (2016) does not provide specific recommendations for the subject sites.

Standards for Zoning Map Amendments

The Zoning Map Amendment standards, found in 28.182(6), MGO state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety, and welfare, shall be consistent with the [Comprehensive Plan](#), and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City’s [Comprehensive Plan](#). 2010 Wisconsin Act 372 clarified “consistent with” as “further or does not contradict the objectives, goals, and policies contained in the comprehensive plan.”

Staff note that the proposed rezoning into the PR (Parks and Recreation) District is consistent with the [Oscar Mayer Special Area Plan](#)’s recommendation for Parks and Open Space as well as the [Comprehensive Plan](#)’s recommendation for Low Residential (LR) uses since the Comp Plan notes on Page 20, “*A limited amount of nonresidential uses may also be located within residential categories. Such uses, which often serve as focal points for neighborhood activity, are often relatively small, and therefore not always identified at the scale of the GFLU Map. Nonresidential uses within residential areas may include: parks and recreational facilities, [...].*” Therefore, Staff believe that the zoning map amendment request is consistent with adopted plans and all applicable standards can be found met.

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 met, but provides the following comments regarding standards 1 and 4.

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 communications with staff, the applicant notes that they did consider relocating the structure but that the house is “*not conducive to typical park structure uses such as public shelters, restrooms or storage. For that reason, the structure would also not be desirable if re-located to other park lands.*” Regarding the relocation more generally, they noted that the structure “*is in poor condition, showing obvious signs of deferred maintenance for a number of years*” and that its condition made the move “*not economically realistic.*”

They did note that the Parks Division has made components of the house available for salvage and Deconstruction Inc. has salvaged items from 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 May 20, 2024 meeting, the Landmarks Commission found that the existing building at 2250 Roth Street has no known historic value.

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

At the time of report writing, no public comments have been received regarding these requests.

Recommendation

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

The Planning Division recommends the following to the Plan Commission:

- That the Plan Commission that the standards for demolition permits are met to **approve** the demolition of a single-family residence at 2250 Roth Street; and
- That the Plan Commission forward Zoning Map Amendment ID 28.022-00690, to change the zoning of the property at 2248-2256 Roth Street from the TR-C4 (Traditional Residential-Consistent 4) District to the PR (Parks and Recreation) District, to the Common Council with a recommendation of **approval**.

These recommendations are 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

Engineering Division (Main Office) (Contact Brenda Stanley, (608) 261-9127)

1. Obtain a Street Terrace permit for the proposed work (removal of the driveway apron, landscaping, etc.) This permit application is available and must be completed online at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO 10.08)
2. Close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
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))

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

4. Identify on the plans the lot and block numbers of recorded Plat.
5. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.

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

6. 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.
7. Approval of the demolition will require the removal of all structures including the single-family residence, accessory sheds, and driveway. The driveway apron shall be removed as per City of Madison Engineering and Traffic Engineering requirements. Disturbed areas shall be graded and seeded or sod planted to minimize erosion.

Forestry Review (Contact Jeffrey Heinecke, (608) 266-4890)

8. On this project, street tree protection zone fencing is required for the 39" Burr Oak located in the terrace in front of 2248 Roth St. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the site plan.

Parking Review (Contact Jeffrey Trent W Schultz, 608-246-5806)

9. The agency reviewed this request and has recommended no conditions of approval. A Transportation Demand Management (TDM) Plan may be required as part of future development.

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

10. 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.

The following agency has reviewed this request and has recommended no conditions of approval:

Planning Division; Traffic Engineering; Fire Department; Parks Division; and Metro