

PLANNING DIVISION STAFF REPORT

June 12, 2023



PREPARED FOR THE PLAN COMMISSION

Project Address: 5202 High Crossing Boulevard (17th Alder District, Ald. Madison)
Application Type: Demolition Permit
Legistar File ID # [77590](#)
Prepared By: Lisa McNabola, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: AmyJo Paddock; HM Brandt, LLC; N59W28135 Ainsworth Road, Sussex, WI 53089

Contact: Mike Brandt; HM Brandt, LLC; N59W28135 Ainsworth Road, Sussex, WI 53089

Owner: B & G Realty, Inc.; 100 E Washington, Suite 1900, Milwaukee, WI 53202

Requested Action: Consideration of a demolition permit to demolish a movie theatre at 5202 High Crossing Boulevard.

Proposal Summary: The applicant is seeking approval to demolish a one-story movie theatre.

Applicable Regulations & Standards: Standards of approval for demolition permits are found in §28.185(6) M.G.O.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission finds the approval standards for demolition permits are met and **approve** the demolition of a movie theatre at 5202 High Crossing Boulevard.

Background Information

Parcel Location: The 620,773 square-foot (14.2-acre) parcel is located at the intersection of High Crossing Boulevard and Crossroads Drive. It is within Alder District 17 and the Sun Prairie School District.

Existing Conditions and Land Use: The site is occupied by a one-story movie theatre and a parking lot. It is zoned Commercial Center (CC) District.

Surrounding Land Use and Zoning:

North: Two (2) one-story car dealerships, and a one-story auto repair shop, zoned Commercial Center (CC) District;

East: Two (2) one-story multi-tenant commercial buildings, and a one-story restaurant, zoned CC District;

South: Hotel, zoned CC District; and

West: U.S. Highway 151 and I-39.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends General Commercial (GC) for the subject site. The [Nelson Neighborhood Development Plan](#) (2019) recommends Employment (E) for the subject site.

Zoning Summary: The property is in the Commercial Center (CC) District.

Requirements	Required	Proposed
Front Yard Setback	0' or 5'	TBD
Max. Front Yard Setback	85'	TBD
Side Yard Setback	One-story: 5' Two-story or higher: 6'	TBD
Rear Yard Setback	The lesser of 20% of lot depth or 20'	TBD
Maximum Lot Coverage	85%	TBD
Maximum Building Height	5 stories/78'	TBD

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The site is not within 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 is requesting approval to demolish a one-story movie theatre. Per data from the Assessor’s Office, the 71,848 square-foot structure was built in 1984, with additions constructed in 1993, 1998, and 2001. [Demolition photos](#) submitted by the applicant do not appear to show any structural issues with the building. The building would be demolished, the parking lot removed, and the site graded and seeded. Daily demolition operations would occur from 7 a.m. to 6 p.m.

The [Comprehensive Plan](#) (2018) recommends General Commercial (GC) for the subject site and surrounding properties, and Employment (E) for properties to the south. The [Nelson Neighborhood Development Plan](#) (2019) recommends Employment for the subject site and properties to the south, and Community Retail and Service for properties to the east. Per the [Comprehensive Plan](#), if an inconsistency is identified between this Plan and a reasonably contemporary sub-area plan, substantial weight should be given to the sub-area plan. Staff do not believe that the proposed demolition would impede such development in the area.

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.

Regarding 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 April 3, 2023 meeting, the Landmarks Commission found that the building at 5202 High Crossing Boulevard had no known historic value.

The Planning Division believes that the standards for demolition permits can be found met.

Recommendation

Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends that the Plan Commission finds the approval standards for demolition permits are met and **approve** the demolition of a movie theatre at 5202 High Crossing Boulevard, 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 (Brenda Stanley, 261-9127)

1. Close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
2. 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))
3. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
4. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 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. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>.

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 CARPC is required for this project to proceed.

5. This project will disturb 20,000 sf 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.

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. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>

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.

Traffic Engineering (Sean Malloy, 266-5987)

6. 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 (Contact Jenny Kirchgatter, 266-4429)

7. 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.
8. Approval of the demolition permit will require the removal of all structures including the principal building, parking lot, paved areas, and driveways. The driveway aprons shall be removed and replaced with curb and gutter as per City of Madison Engineering and Traffic Engineering requirements. During demolition and prior to curb and gutter, barriers shall be installed across the driveways to prevent the parking of vehicles. Disturbed areas shall be graded and seeded or sod planted to minimize erosion.

Fire Department (William Sullivan, 261-9658)

9. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Jeff Larson at jtlarson@cityofmadison.com or (608) 266- 5946.

Water Utility (Jeff Belshaw, 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.

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

11. The Requirements as set forth in recorded documents Nos. 1670810, 1671634 and 1671993 to maintain an open private roadway system over this parcel in the recorded agreements. Provide all parties approval of these conditions, that they have been met or a release of these conditions.

The following agencies reviewed the request and recommended no conditions of approval: Parks Division, Metro Transit, Forestry