

## PLANNING DIVISION STAFF REPORT

July 25, 2022



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 4035 Owl Creek Drive (District 16 – Alder Currie)  
**Application Type:** Demolition Permit  
**Legistar File ID #** [72203](#)  
**Prepared By:** Chris Wells, Planning Division  
Report includes comments from other City agencies, as noted.

### Summary

**Applicant & Property Owner:** Jeff Yarwood; Isthmus Engineering; 4035 Owl Creek Drive; Madison, WI 53718

**Contact:** Brian Meister; Quam Engineering; 4604 Sigglekow; McFarland, WI 53558

**Requested Action:** Consideration of a demolition permit to demolish a street-facing wall of an office/industrial building to allow construction of an addition at 4035 Owl Creek Drive.

**Proposal Summary:** The applicant is requesting approval to demolish the existing Marsh Road-facing wall of the existing office/industrial building in order to construct a roughly 30,500-square-foot addition on the east side of the building. The automobile parking on site will also expanded by 56 stalls. The application indicates that the project will commence in Summer 2022, with completion in Spring 2023.

**Applicable Regulations & Standards:** Demolition is defined, in part, as *“an act or process that removes, pulls down, tears down, razes, deconstructs, or destroys an existing building wall facing a public street or, during any ten (10) year period, removes, pulls down, tears down, razes, deconstructs or destroys fifty percent (50%) or more of the area of the exterior walls of a building.”* Section 28.185 provides the process and standards for the approval of demolition and removal permits.

**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 eastern façade of the building at 4035 Owl Creek Drive to be demolished, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

### Background Information

**Parcel Location:** The approximately 7.52-acre (327,520-square-foot) parcel is located on the east side of Owl Creek Drive, between Voges Road and Tormey Lane. It is also located within Alder District 16 (Ald. Currie) as well as the Madison Metropolitan School District.

**Existing Conditions and Land Use:** A roughly 81,500-square-foot warehouse/office building for Isthmus Engineering, zoned Industrial – Limited (IL) District. While the site has frontage along both Owl Creek Drive as well as Marsh Road, it takes access from the former. The building is located in the middle of the site, along the northern property line. Surface parking is located to the south. The eastern roughly 100 feet of the site is currently grass.

### **Surrounding Land Use and Zoning:**

North: A multi-tenant industrial manufacturing/warehouse building, zoned Industrial - Limited (IL) District;

South: A warehouse building, zoned IL;

East: Across Marsh Road are three single-family residences, all zoned Single-Family Residential (Small Lots) (SFR-08) in the Town of Blooming Grove; and

West: Across Owl Creek Drive are two vacant sites, both zoned IL.

**Adopted Land Use Plans:** The 2018 [Comprehensive Plan](#) and [Marsh Road Development Plan](#) (1999) both recommend Industrial (I) Uses for the subject site.

**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, including seven-day Metro Transit service at the nearby stop located 0.1 miles to the north at the intersection of Owl Creek Drive and Voges Road.

## **Project Description, Analysis, and Conclusion**

The applicant, Isthmus Engineering, is requesting approval from the Plan Commission to demolish the existing Marsh Road-facing wall of the industrial/office building. The removal of the eastern wall of the building is needed to construct a roughly 30,500-square-foot addition extending east from the existing footprint. Photos of the building are attached to File ID [72203](#), as are plans for the expanded building following the proposed demolition. As for site changes, the existing parking lot at the southern end of the site will also be increased by 56 stalls.

The above information on the future use of the subject site following the proposed demolition are provided for informational purposes. Staff note that as a permitted use, the future use is not before the Plan Commission.

### **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.

Considering that only partial demolitions are proposed to accommodate additions and modifications, staff believes that standards related to relocation and building condition would not apply. Planning Division believes that the standards for Demolition Permits can be found met, and provide the following comments regarding Standard 4:

At its May 23, 2022 meeting, the Landmarks Commission found that the existing building at 4035 Owl Creek Drive has no known historic value. 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 approving a demolition permit under the recently revised standards and process, the Plan Commission may stipulate conditions and restrictions on the proposed building demolition as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards of approval. The conditions in the following section appear to relate to the requested demolition or are requirements that will need to be enforced upon subsequent site plan review. The future addition is a permitted use, which is required to obtain site plan approval per Section 28.186 of the Zoning Code prior to the issuance of building permits.

At time of writing this report, staff is unaware of any written comments from the public regarding the proposed demolition. Staff believes that the applicable standards can be found met.

## 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 eastern façade of the building at 4035 Owl Creek Drive to be demolished, subject to input at the public hearing and the following conditions:

#### **Major/Non-Standard Conditions are Shaded**

### **City Engineering Division** (Contact Brenda Stanley, (608) 261-9127)

1. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
2. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
3. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
4. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements
5. 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.

6. 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](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto: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>
7. 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.
8. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

Rate Control: Revise and update the existing SWM plan to provide detention for the new area detaining the 2, 10, 100 & 200 -year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.

Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

9. 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](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West).

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

10. Provide legal description and exhibit for the release of a portion of the public sanitary sewer easement for forthcoming Site Plan Application. The area to remain located at the Northeast corner of the parcel, to be specified by City of Madison Engineering.

Any portion(s) of a public easement that is intended to be released shall be released by separate document prepared by City Office of Real Estate Services. Contact Julius Smith of Engineering Mapping, ([jsmith4@cityofmadison.com](mailto:jsmith4@cityofmadison.com), 608-264-9276) to coordinate the Real Estate project, and associated information and fees required.

11. Provide Demolition Plan Sheet and label building face that is to be demolished. Also show clearly all features that will be demolished and removed on the sheet. It appears there are additional trees to be removed with grading around pond area.

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

12. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.
13. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
14. 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.
15. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
16. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
17. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way on Marsh Road and Owl Creek Drive clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.

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

18. 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](mailto: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.
19. Following approval of the demolition, a permitted use site plan review will be required for the proposed building addition.

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

20. Provide documentation on any easements with the property to the north granting permission to designate fire access and use of the private fire hydrant for this site.
21. Provide a sidewalk from all exits from the building out to the public way or submit a plan on how the owner will handle snow removal to maintain a clear path out to the public way.
22. Provide (2) fire hydrants within 500-ft of the proposed fire lane on the south side of the building. The fire hydrants must be accessible from the fire lane and the distance measured along the fire lanes. Currently, no useable fire hydrants are being shown on the plans.

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

23. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. 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. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

*The Planning Division, Parks Division, Forestry Section, and Metro Transit have reviewed this request and have recommended no conditions of approval.*