



## Report to the Plan Commission

July 23, 2012

**Legistar I.D. #27084**  
**3077 E. Washington Avenue**  
**Demolition Permit**

Report Prepared By:  
Timothy M. Parks, Planner  
Planning Division

**Requested Action:** Approval of a demolition permit to allow a vacant restaurant located at 3077 E. Washington Avenue to be demolished with no proposed alternative use.

**Applicable Regulations & Standards:** Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the demolition permit standards met and **approve** a demolition permit to allow a vacant restaurant at 3077 E. Washington Avenue to be demolished with no proposed alternative use, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

### Background Information

**Applicant:** Glen Kohler, Bachmann Construction Co., Inc.; 1201 S. Stoughton Road; Madison.

**Property Owner:** Rethke Properties, LLC; 5481 Mare Road; Oregon.

**Proposal & Existing Conditions:** The applicant and property owner are seeking approval to demolish a vacant one-story 2,500 square-foot restaurant. No new use of the site is proposed following demolition, with most of the site to be graded and seeded following removal of the building. Demolition is scheduled to commence on August 1, with completion of the project anticipated in a month.

**Parcel Location:** The subject site is a 0.88-acre parcel located on the southeasterly side of the E. Washington Avenue frontage road at Webb Avenue in C2 General Commercial zoning; Aldermanic District 6 (Rummel); Urban Design District 5; Madison Metropolitan School District.

#### Land Use and Surrounding Zoning:

North: E. Washington Avenue (US Highway 151);

South: Salvation Army Community Center, zoned R5 (General Residence District), C1 (Limited Commercial District), and C2 (General Commercial District);

West: McDonalds Restaurant and a payday loan business, zoned C2;

East: State of Wisconsin Department of Corrections office complex, zoned C2.

**Adopted Land Use Plan:** The Comprehensive Plan identifies the subject site and other properties on the E. Washington Avenue frontage road between N. Marquette Avenue and the Department of Corrections offices for future community mixed-use and transit-oriented development.

The site is also located within the Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan, which specifically recommends that the subject site and adjacent title loan business be redeveloped with commercial office space/retail/mixed-use/restaurant uses.

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

**Public Utilities and Services:** This property is served by a full range of urban services, including seven-day Metro Transit bus service along E. Washington Avenue.

**Zoning Summary:** Existing C2 (General Commercial District) zoning; the existing improvements on the site will be removed with the exception of a small area of parking located along the southwestern property line, which is subject to a shared parking easement with the adjacent commercial property and will remain. Future redevelopment of the site will be required to comply with the Zoning Code at the time of development approvals being granted, including the C2 zoning and the requirements of Urban Design District 5, which includes this property.

## **Project Review, Analysis & Conclusion**

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The applicant and property owner are requesting approval of a demolition permit to allow a vacant one-story restaurant to be razed. No future use of the site is proposed at this time. The approximately 2,500 square-foot concrete block building is located on the westerly half of the 0.88-acre subject site, which is located at the southwesterly corner of the E. Washington Avenue frontage road and Webb Avenue in C2 zoning. The remainder of the site is occupied by surface parking with driveways from both abutting streets. City records indicate that the building was constructed in 1977.

At the present time, the siding on the building has been removed and the window and door openings boarded up, the asphalt parking area is severely deteriorated, and most of the site landscaping is overgrown. The Building Inspection Division has active property maintenance and repair cases on the subject site seeking redress of the condition of the property. The applicant indicates that following this approval, the building and most of the surface parking will be removed and the site graded and seeded. An area of existing parking located along the westerly side wall of the restaurant, which serves a neighboring payday loan business under an existing shared parking arrangement, will remain. In addition to establishing grass on most of the property, staff recommends that the roughly six mature trees scattered across the site be preserved until such time as a redevelopment proposal for this property is presented for approval. These trees include an evergreen and two shade trees generally located along the northerly edge of the property adjacent to the E. Washington Avenue frontage road, including a tall deciduous tree located adjacent to the side wall of the building that should be preserved if possible during demolition. Staff will work with the applicant during signoff of the demolition permit to identify the trees that can be preserved in the interim and the measures that will be employed to protect them during site work.

The Planning Division believes that the demolition of the vacant restaurant can meet the standards of approval for demolition permits. Although no future use of the site has been proposed at this time, staff believes that the removal of the building and most of the parking in anticipation of future redevelopment is acceptable given the character of the existing building and the blighted condition of the property. As noted in the previous section, the Comprehensive Plan identifies the subject site and other properties along this section of E. Washington Avenue for future community mixed-use and transit-oriented development, while the 2000 Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan specifically recommends that the subject site and adjacent payday loan business be redeveloped with office, retail, mixed-use or restaurant uses. Staff feels that the C2 zoning of the property and its location within Urban Design District 5 should be sufficient to guide the redevelopment of the subject site with a more economically productive land use consistent with these land use recommendations.

## **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

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### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the demolition permit standards met and **approve** a demolition permit to allow a vacant restaurant at 3077 E. Washington Avenue to be demolished with no proposed alternative use, subject to input at the public hearing, the following Planning Division condition(s), and the following conditions from reviewing agencies:

1. That the southwestern 14 feet of the property may remain paved and used for parking, as it is subject to an existing parking easement for the adjacent payday loan business under the same ownership. However, all other asphalt shall be removed, both driveways closed and the terraces restored, and the site seeded, with no other parking permitted.
2. That the applicant work with the Planning Division prior to issuance of permits for this project to identify existing trees located throughout the property that can be preserved during and following the demolition and site restoration activities. The trees identified for preservation shall remain until a redevelopment project is proposed for this property that calls for removal of those trees.

### **City Engineering Division** (Contact Janet Dailey, 261-9688)

3. The demolition plan submitted contains insufficient detail to determine the resultant impervious/pervious area for Storm Water Utility billing purposes. Amend the plan to provide more detail so it can be determined what existing surface parking and other impervious areas will remain and what new pervious area will result post demolition.
4. There is a private sanitary sewer main that traverses the property that shall be protected during the demolition. Existing sanitary sewer laterals shall be plugged.
5. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
6. All work in the public right of way shall be performed by a City-licensed contractor.
7. All damage to the pavement on the E. Washington Avenue Frontage Road and Webb Avenue adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
8. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
9. Prior to final approval of the demolition permit application, the owner shall obtain a permit to plug each existing sanitary or storm sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged, the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of

inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.

10. The applicant shall submit, prior to plan signoff, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).

**Traffic Engineering Division** (Contact Dan McCormick, 267-1969)

This agency submitted a response with no conditions of approval for this request.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

11. Provide a reuse/recycling plan, to be reviewed and approved by the City Recycling Coordinator prior to a demolition permit being issued. Sec 28.12(12)(e) of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.

12. Future development shall meet applicable building and zoning ordinances, including site plan review and land use approvals.

**Parks Division** (Contact Kay Rutledge, 266-4714)

This agency did not submit comments for this request.

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

13. Note: Please consider allowing the Madison Fire Department to conduct training sequences on this site prior to demolition. Contact the MFD Training Division at 246-4587 to discuss this possibility.

**Water Utility** (Contact Dennis Cawley, 261-9243)

14. The Madison Water Utility shall be notified to remove the water meter prior to demolition. In accordance with MGO Section 13.21, all wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility, and all unused private wells shall be abandoned.