



## Report to the Plan Commission

August 9, 2010

**Legistar I.D. #19446**

**2405-2413 Cypress Way and 826-838 W Badger Road**

**Modification to Condition of Approval for Demolition**

Report Prepared By:  
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**Requested Action:** Approval of a modification to a condition of a June 21, 2010 approval for the demolition of seven multifamily apartment buildings on a site planned for senior housing in the R5 (General Residence) District.

**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 finds the project can meet applicable demolition standards and **approve** the proposed request for a modification to a condition of approval for demolition at 2405-2413 Cypress Way and 826-838 West Badger Road, subject to input provided at the public hearing.

### Requested Modification

The Plan Commission on June 21 granted approval for the demolition of seven multifamily apartment buildings at the corner of Cypress Way and West Badger Road for the future development of senior housing on the site. As noted in the June 21 staff report<sup>1</sup>, the CDA was at that time involved in a legal issue regarding one of the properties (838 West Badger Road). A condition of approval was that no demolition should take place at the site until the legal issue had been resolved.

It is now understood that the legal issue will remain unresolved until at least September of this year. In order to maintain their schedule for site preparation, the CDA requests a minor modification of Condition of Approval No. 1 which will allow for the demolition of the other six buildings to occur prior to demolition of the building at 838 West Badger Road, which will await the final legal decision. The specific modification requested is as follows:

Condition No. 1: No demolition on ~~the properties~~ 838 West Badger Road shall take place prior to a legal decision confirming that the CDA had the right to condemn property at 838 West Badger Road.

Planning staff believe that this is a reasonable request and support its approval.

### Recommendation

The Planning Division believes that the demolition standards can be met with this modified condition, and recommends that the Plan Commission **approve** the request subject to input at the public hearing, as well as Conditions 2 through 30 as approved by the Plan Commission on June 21, 2010.

<sup>1</sup> For reference, please see the June 21 Planning Division staff report for this demolition approval at: <http://www.cityofmadison.com/planning/projects/demo/documents/18879StaffComments.pdf>