



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5102 Spring Court  
**Application Type:** Demolition Permit  
**Legistar File ID #** [35638](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

## Summary

**Applicant & Property Owner:** City of Madison; representative: Kay Rutledge, Parks Division.

**Requested Action:** Approval of a demolition permit to allow the demolition of a tree-damaged single-family residence located at 5102 Spring Court in Merrill Springs Park.

**Proposal Summary:** A 30-inch diameter oak tree fell onto the cottage located in Merrill Springs Park on August 28, 2014, causing extensive damage that rendered the structure a total loss and requires that the remains of the house be demolished as soon as possible. Demolition will commence as soon as all regulatory approvals have been granted, with demolition and site restoration work to be completed prior to this winter.

**Applicable Regulations & Standards:** 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 demolition of a tree-damaged single-family residence at 5102 Spring Court in Merrill Springs Park, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

## Background Information

**Parcel Location:** Merrill Springs Park is a 0.62 park located along the shore of Lake Mendota at the eastern end of Spring Court; Aldermanic District 19 (Clear); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 1.5-story cottage is located on the eastern half of the park and contains 3 bedrooms and 1 bath. Merrill Springs Park has approximately 150 feet of frontage on Lake Mendota and 50 feet of frontage onto Spring Court. Merrill Springs sits on the western half of the park. The western edge of the park is formed by Merrill Springs Path, which connects Spring Court to Lake Mendota Drive. The eastern half of the park is zoned TR-C1 (Traditional Residential–Consistent 1 District), while the western half of the park is zoned TR-C2 (Traditional Residential–Consistent 2 District).

**Surrounding Land Use and Zoning:** The cottage to be razed and park are surrounded by single-family residences fronting onto Lake Mendota Drive located to the south and east in the TR-C1 (Traditional Residential–Consistent 1) zoning district, and along Spring Court to the west in TR-C2 (Traditional Residential–Consistent 2) zoning.

**Adopted Land Use Plan:** The Comprehensive Plan recommends that the subject site and surrounding properties be developed with Low-Density Residential uses.

The subject site is also located within the boundaries of the 2006 Spring Harbor Neighborhood Plan, which does not include specific land use recommendations for the park but notes the historical significance of Merrill Springs and Park and recommends that the park (not the cottage to be razed) be given “formal historic status.”

**Zoning Summary:** The subject property is zoned TR-C1 (Traditional Residential–Consistent 1 District) and TR-C2 (Traditional Residential–Consistent 2). Parks and playgrounds are permitted uses in both districts, and no new construction is proposed for the site at this time.

**Environmental Corridor Status:** Map C7 indicates that the park is not located within a mapped environmental corridor, is designated as a public land, and includes floodplain along the lakeshore and near the spring.

**Public Utilities and Services:** The site is served by a full range of urban services.

## Previous Approvals

On August 8, 2008, the Plan Commission approved a demolition permit to allow the demolition of a cottage at 5100 Spring Court and a lot line adjustment by Certified Survey Map between that property and a property developed with a single-family residence located at 5050 Lake Mendota Drive. A second cottage at 5102 Spring Court remained as part of this approval.

On November 29, 2011, the Common Council approved Resolution 11-00965 (ID 24359) authorizing the purchase of a lot located at 5100 Spring Court for the expansion of Merrill Springs Park. The Plan Commission recommended approval of this resolution to the Common Council at its November 7, 2011 meeting.

## Project Description

When the City acquired 5102 Spring Court (Lot 2 of CSM 12633) in late 2011 for the purposes of expanding Merrill Springs Park, the lot acquired was developed with a 1.5-story cottage containing 3 bedrooms and 1 bath. The cottage was one of two cottages that previously occupied the former Margetis property; the second was demolished in 2008 as part of a reconfiguration of the property to create lake access for a related single-family residence at 5050 Lake Mendota Drive. The 2011 acquisition increased the size of the park to 0.62 acres and resulted in approximately 150 feet of lake frontage.

On August 28, 2014, an approximately 30-inch diameter oak tree located in the park fell onto the cottage, crushing the entire porch and west wall of the house and leaving the roof unsupported. The structure is open to the elements as a result of the accident. Photos of the cottage taken shortly after the incident show the extent of the damage. City staff has determined that the building is a total loss and needs to be demolished. Use of the cottage as a residence or as an accessory structure for the park was not contemplated at the time of acquisition. Following demolition, the grade of the park surrounding the house will be stabilized to prevent erosion and seeded.

## Analysis and Conclusion

The Zoning Code requires Plan Commission approval prior to the demolition of any structure that has been used at any time as a single-family or multiple-family residence, is a landmark, or is located in a Historic District or Neighborhood Conservation District regardless of condition or reason. The Planning Division believes that the Commission can find the standards for approval met to allow the single-family residence to be razed and for the site of the house to become part of the park open space. The Landmarks Commission informally reviewed the proposed demolition on October 6, 2014 and found that the residence had no known historic value.

## Recommendation

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

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow demolition of a tree-damaged single-family residence at 5102 Spring Court in Merrill Springs Park subject to input at the public hearing and the following conditions:

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

1. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
2. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing lateral that serves a building which is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. Note: New plugging procedures and permit fees are in effect as of January 1, 2013.

### Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

This agency did not provide comments for this request.

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

3. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, George Dreckmann, prior to a demolition permit being issued. MGO Section 28.185(7)(a)5 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.
4. Approval of the demolition permit will require the removal of all structures, including the driveway as per City Engineering and Traffic Engineering requirements.

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

This agency did not provide comments for this request.

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

5. The Madison Water Utility shall be notified to remove the water meter prior to demolition. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility in accordance with MGO Section 13.21.

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

This agency did not provide comments but requests an expeditious approval of the application.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.