

PLANNING DIVISION STAFF REPORT

June 18, 2018



PREPARED FOR THE PLAN COMMISSION

Project Address: 4929 Femrite Drive (District 16 – Alder DeMarb)
Application Type: Demolition Permit
Legistar File ID # [51549](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: John Huizenga; WI Development Partners, LLC; 4916 E. Broadway; Madison, WI 53716

Owner: Tyler Marks; WI Development Partners, LLC; 4916 E. Broadway; Madison, WI 53716

Requested Action: Approval of a demolition permit with no proposed use at 4929 Femrite Drive

Proposal Summary: The applicant proposed to demolish a one-and-one-half-story single-family home at 4929 Femrite Drive. No specific site plans or future use have been proposed at this time.

Applicable Regulations & Standards: This proposal is subject to the standards for demolition permits [MGO Section 28.185(7)].

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish a one-and-one-half-story single-family home at 4929 Femrite Drive with no proposed future use. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 1.47-acre subject property is located on the south side of Femrite Drive, immediately west of the intersection with Dairy Drive. The site is in Aldermanic District 16 (Ald. DeMarb) and is within the Madison Metropolitan School District and Tax Increment District 39.

Existing Conditions and Land Use: The 64,029-square-foot subject site includes a three-bedroom, approximately 1,400-square foot, one-and-one-half-story single family home constructed in 1935, zoned Industrial-Limited (IL) District.

Surrounding Land Use and Zoning:

North: Across Femrite Drive, vacant land, zoned IL;

South: Two-story multi-tenant office and data center, zoned IL;

East: Shop and single-family home zoned IL; and

West: Vacant land, zoned IL.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2006) recommends employment uses for the subject site. The [Stoughton Road Revitalization Project](#) (2008) includes the subject site within the “Gateway Development Area,” which is recommended for “destination and employment uses,” such as medical, technology, and research offices, as well as some commercial, retail, and hotel investments. The subject site is also within Urban Design District 1.

Zoning Summary: The property is zoned Industrial-Limited (IL) District. No new development is proposed at this time.

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	64,029 sq. ft.
Lot Width	75'	132'
Front Yard Setback	None	TBD
Side Yard Setback	None if adjacent to property zoned IL or IG	TBD
Rear Yard Setback	30'	TBD
Maximum Lot Coverage	75%	TBD
Maximum Building Height	None	TBD

Other Critical Zoning Items	UDD #1
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Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in 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 requests approval to demolish one single-family home with no proposed future use at this time. The applicant intends to leave the lot as open space for the foreseeable future. The structure proposed for demolition is an approximately 1400-square foot, three bedroom, one-and-one-half-story house constructed in 1935. Because the house has been vacant for some time and the property is officially listed for commercial/industrial use, the City Assessor has little data on the house. Most information is provided by the applicant. In the letter of intent, the applicant states the building is in very poor shape with a roof collapse and structural deterioration. The building is currently unsafe to enter.

This request is subject to the standards for demolition permits, specifically those with no proposed use, as found in Section 28.185(7)(b). The applicant has not provided a proposed use on site in this application. Absent a proposed use, the Plan Commission must find that, based on evidence from the Fire Department, Police Department, and/or Building Inspection Division, a hazard, nuisance, or health and safety concern supports the demolition or removal of the building before a future use is proposed.

In the letter of intent, the applicant states that the house is “uninhabitable due to the roof collapse and structure deterioration” and that “no persons can safely enter the property.” According to the applicant, the house has been uninhabited since late 2015. The provided [photographs](#) of the property show a house that is in very poor condition with a large hole in the roof. The interior has been stripped of furnishing and finishes.

The statement of purpose in Section 28.185 encourages, in part, that it is “a matter of public policy that the good maintenance and rehabilitation of existing buildings...and the careful consideration and planning of changes in the urban landscape are a public necessity and are required in the interest of the health, prosperity, safety, and

welfare of the people. The purpose of this section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes...”

As noted earlier in this report, the applicant is proposing no reuse of the site following demolition, which is ordinarily the second and occasionally more scrutinized part of the question regarding consideration of a demolition permit by the Plan Commission, and the opportunity for the community to weigh whether the proposed use is compatible with adopted neighborhood plans and the Comprehensive Plan, as well as the impact the demolition and proposed use would have on the normal and orderly development and improvement of surrounding properties. In order to approve the demolition of a residential building with no immediate proposed use, the Plan Commission must find that, based on evidence from the Madison Fire Department, Police Department, and/or Building Inspection Division, a potential fire hazard, potential unlawful use of the property, potential public nuisance, or other public health and safety concern supports demolition or removal before a future use is proposed. George Hank, Director of the Building Inspection Division, has provided the [attached](#) letter that notes this demolition is supported due to mold and mildew issues, missing windows, a partially collapsed attached garage, and large holes in the roof.

The Landmarks Commission informally reviewed the proposed demolition on April 16, 2018 and found that the building had no known historic value. At the time of report writing, staff had not received any public comment on this proposal. Due to the issues outlined in the letter from Building Inspection, the Planning Division believes that the standards for Demolition Permits can be met.

Recommendation

Planning Division Recommendation (Contact Colin Punt, 243-0455)

The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish the existing structure at 4929 Femrite Drive with no proposed future use. This recommendation is 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

Planning Division (Contact Colin Punt, 243-0455)

1. Any new development or improvements to the site will require approval of the Secretary of the Urban Design Commission or formal approval by the Urban Design Commission due to the property’s location in Urban Design District #1.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

2. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).
3. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
4. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

5. Approval of the demolition permit will require the removal of all structures including the principal building, accessory buildings, paved area, and driveway. The driveway apron 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.

Engineering Division – Main Office (Contact Brenda Stanley, 261-9127)

6. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer 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. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
7. 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 5.0 tons per acre per year.
8. This site will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Please submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Jeff Benedict, City Engineering, for approval.
9. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.

Water Utility (Contact Adam Wiederhoeft, 266-9121)

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.