## PLANNING DIVISION STAFF REPORT

**December 12, 2022**

PREPARED FOR THE PLAN COMMISSION

**Project Address:** **1605 Fremont Avenue** (12th Aldermanic District, Alder Abbas)

**Application Type:** Demolition Permit, Certified Survey Map

**Legistar File ID #** 74536, 74545

**Prepared By:** Lisa McNabola, Planning Division
Report Includes Comments from other City Agencies, as noted

**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Owner & Contact:** Ashely Gohlke; Common Wealth Development. Inc.; 1501 Williamson Street, Madison, WI 53703

**Requested Action:** Consideration of a demolition permit to demolish a single family residence at 1605 Fremont Avenue and consideration of a Certified Survey Map (CSM) to create two lots.

**Proposal Summary:** The applicant is seeking approval to demolish a single family residence and create two lots.

**Applicable Regulations & Standards:** The standards of approval for demolition permits are found in §28.185(6) M.G.O. Standards for certified survey maps are found in §16.23(5) M.G.O.

**Review Required By:** Plan Commission and Common Council (CSM only)

**Summary Recommendation:** The Planning Division recommends the following to the Plan Commission regarding the applications for 1650 Fremont Avenue. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission finds that the approval standards for demolition permits are met and **approve** the demolition of a single family residence at 1605 Fremont Avenue;
- That the Plan Commission finds that the approval standards for Certified Survey Maps are met and forward the CSM creating two lots at 1605 Fremont Avenue to the Common Council with a recommendation for **approval**.

## Background Information

**Parcel Location:** The 10,200 square-foot (0.23-acre) parcel is located along Fremont Avenue between Farragut Street and Logan Street. It is within Alder District 12 and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site is occupied by a single family residence, detached garage, and two sheds. It is zoned Traditional Residential – Consistent 2 (TR-C2) District.

**Surrounding Land Use and Zoning:**
North: Single family homes, zoned Traditional Residential – Consistent 2 (TR-C2) District;

East: Single family homes, zoned Traditional Residential – Consistent 4 (TR-C4) District;

South: Single family homes, zoned TR-C2 District; and

West: Across Fremont Avenue, single family homes, zoned TR-C2 District.

**Adopted Land Use Plan:** The Comprehensive Plan (2018) recommends Low Residential (LR) for the subject site. The Northport Warner Park Sherman Neighborhood Plan (2009) recommends Low Density Residential (LDR) for the site.

**Zoning Summary:** The property is in the Traditional Residential – Consistent 2 (TR-C2) District.

| Requirements | Required | Proposed Lot 1 | Proposed Lot 2 |
|---|---|---|---|
| Lot Area (sq. ft.) | 4,000 | 5,186 | 5,186 |
| Lot Width | 40 ft | 43.25 ft | 43.25 ft |
| Front Yard Setback | 20 ft | 20 ft | 20 ft |
| Side Yard Setback | 4.3 ft (10% lot width) | 7 ft, 9.25 ft | 7 ft, 9.25 ft |
| Rear Yard Setback | 30 ft | 55 ft | 55 ft |
| Usable Open Space | 750 sq ft | 1040 sq ft | 1040 sq ft |
| Maximum Lot Coverage | 65% | 52% | 52% |
| Maximum Building Height | 2 stories/35 ft | Unknown (19) | Unknown (19) |

*Table Prepared by Jacob Moskowitz, Assistant Zoning Administrator*

**Environmental Corridor Status:** The site is not within 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 owner/applicant is first requesting approval to demolish a single family residence at 1605 Fremont Avenue. City Assessor's records indicate that this 648 square-foot structure was built in 1946.

Second, they propose to divide the property into two lots via a Certified Survey Map (CSM). The CSM would create two 5,170 square-foot (.12-acre) lots. As noted in the above table, the lots comply with the minimum size requirements and would be remain in the Traditional Residential – Consistent 2 (TR-C2) District.

The Comprehensive Plan (2018) recommends Low Residential (LR) for the subject site. LR areas are predominantly made up of single-family and two-unit structures. The Northport Warner Park Sherman Neighborhood Plan (2009) recommends Low Density Residential (LDR) for the site. Staff do not believe that the proposed demolition would impede development of residential uses in the area.

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.

The Planning Division believes that the standards for Demolition Permits can be met, but provides the following comments regarding standard 1, "The applicant has included information related to any efforts to relocate the building, including but not limited to assessing the costs of relocation, the impact of relocation on city terrace trees, and the structural soundness of the building." The applicant did not include information related to relocation.

Regarding standard 4, "That the Plan Commission has received and considered the report of the City's Historic Preservation Planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission." At its September 19, 2022 meeting, the Landmarks Commission found that the building at 1605 Fremont Avenue had no known historic value.

Regarding standard 6, "The Plan Commission shall consider the condition of the building or buildings proposed for demolition or removal. In order to find this standard met, the Plan Commission may consider a report of the Madison Fire Department, Police Department, and/or Building Inspection Division regarding the proposed demolition, including whether any evidence of a potential fire hazard, unlawful use of the property, public nuisance, or other public health and safety concern supports demolition or removal." The letter of intent indicates the structure is "considered a full tear down". While Planning Division staff have not completed an on-site inspection, the demolition photos show several worn interior and exterior surfaces. No further detail has been provided by the applicant.

The Planning Division believes that the standards for demolition permits can be found met.

Staff believes that all applicable standards for land divisions can be found met.

## Recommendation

**Planning Division Recommendation** (Contact Lisa McNabola, 243-0554)

The Planning Division recommends the following to the Plan Commission regarding the applications for 1650 Fremont Avenue. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission finds that the approval standards for demolition permits are met and **approve** the demolition of a single family residence at 1605 Fremont Avenue;
- That the Plan Commission finds that the approval standards for Certified Survey Maps are met and forward the CSM creating two lots at 1605 Fremont Avenue to the Common Council with a recommendation for **approval**.

**Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

***Land Use Request***

**Engineering Division** (Tim Troester, 267-1995)

1. Each proposed lot shall be a separate and independent sanitary sewer lateral.

2. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at http://www.cityofmadison.com/engineering/Permits.cfm. As a condition of the permit a deposit to cover estimated City expenses will be required.

3. 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)

4. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at 608-261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel). (POLICY)

5. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at http://www.cityofmadison.com/engineering/permits.cfm. (MGO CH 35.02(14))

6. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)

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

7. Each Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

8. Update site plan to indicate how each parcel will be provided water service.

9. The following information shall be noted on the CSM prior to final approval: The properties are located within Wellhead Protection District—Zone (WP-07). Uses of the properties are required to comply with the City of Madison Wellhead Protection requirements as provided under MGO Sections 13.22 and 28.102.

10. This property is in a Wellhead Protection District–Zone (WP-07). Applicant shall provide the Madison Water Utility with confirmation that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site comply with the City of Madison Wellhead Protection Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative. Contact Jeff Belshaw at Jbelshaw@madisonwater.org for additional information, including a summary of the submittal requirements.

11. Dwellings shall have separate water services, curb stops, lines and meters. The water service may be split in the terrace, with separate curb stops, lines and meters.

12. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. 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. A Water Meter Application Form will subsequently be required to

size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

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

13. Provide for review reciprocal easement and agreement for access and/or parking that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance.

14. Prepare a Certified Survey Map (CSM) to create the lots for the building sites as proposed.

15. Submit Demolition Plan

**Zoning** (Contact Jacob Moskowitz, 266-4560)

16. 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).

17. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7) (a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.

18. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

19. The Plan Commission approval is for demolition only. For construction of the new building, Zoning will need building elevations showing the height of the building.

**Parks Division** (Ann Freiwald, 243-2848)

20. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 22046 when contacting Parks about this project.

**Fire Department** (William Sullivan, 886-4691)

21. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website: https://homefiresprinkler.org/building-residential-fire-sprinklers. Obtain a price for a multipurpose sprinkler/domestic plumbing system from the project plumbing contractor, or a standalone sprinkler system from a fire sprinkler contractor.

**Forestry Section** (Contact Jeffrey Heinecke, 266-4890)

22. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction (website: https://www.cityofmadison.com/business/pw/specs.cfm) - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan and street tree planting plan shall be submitted in PDF format to City Forestry for approval of planting locations within the right of way and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note on the site plan: At least one week prior to street tree planting, Contractor shall contact Jeff Heinecke with City Forestry at (608) 444-2673 or (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.

The following agencies reviewed the request and recommended no conditions of approval: Traffic Engineering Division, Metro Transit

***Land Division Request***

**Engineering Division** (Tim Troester, 267-1995)

23. Applicant shall add note to CSM "The proposed Lot #1 will be required to have a sanitary sewer and water service installed as part of building permit for the said lot".

24. 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)

25. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat/csm contact either Tim Troester (West) at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley (East) at 608-261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service and must be cleared prior to the land division (and subsequent obsolesces of the existing parcel). (POLICY)

**Fire Department** (William Sullivan, 886-4691)

26. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Jeff Larson at jtlarson@cityofmadison.com or (608) 266- 5946.

**Parks Division** (Ann Freiwald, 243-2848)

27. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the North Park-Infrastructure Impact Fee district. Please reference ID# 22046when contacting Parks

28. The following note should be included on the CSM: “LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED.”

29. Prior to sign off on the CSM the applicant shall execute a declaration of conditions and covenants for impact fees.

30. The Parks Division shall be required to sign off on this CSM

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

31. The following information shall be noted on the CSM prior to final approval: The properties are located within Wellhead Protection District—Zone (WP-07). Uses of the properties are required to comply with the City of Madison Wellhead Protection requirements as provided under MGO Sections 13.22 and 28.102.

32. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

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

33. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access and parking, that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance.

34. In accordance with Chapter 236, Wisconsin Statutes, the Applicant must show the type, location and width of any and all easements on a Plat or CSM. Clearly identify the difference between existing easements (cite recording data) and easements which are being conveyed by the land division. Identify the owner and/or benefiting interest of all easements. Include any and all language required to properly and legally create any easement by this land division.

35. Show 5' of 10' Public Service Strip Per Sherman Park Plat on rear of lots and cite Document No. 477209 for service strip and Building line.

36. Add the recording information to the Plat in the Surveyors Certificated. Recorded in Volume 6 of Plats on Page 21 as Document No. 477209 and add the document No. to the Caption on all sheets

37. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or monument condition reports (with current tie sheet attached) for all monuments, including center of sections of record, used in this survey, to Jule Smith, City Engineering (jsmith4@cityofmadison.com)

38. In accordance with Section s. 236.18(8), Wisconsin Statutes, the Applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The Surveyor shall identify any deviation from City Master Control with recorded and measured designations. Visit the Dane County Surveyor's Office (web address

https://www.countyofdane.com/PLANDEV/records/surveyor.aspx) for current tie sheets and control data that has been provided by the City of Madison.

39. Prior to Engineering final sign-off by main office for Plats or Certified Survey Maps (CSM), the final Plat or CSM in pdf format must be submitted by email transmittal to Engineering Land Records Coordinator Jule Smith (jsmith4@cityofmadison.com) for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off.

40. Per SS. 236.20(2)(c) Where the exterior boundary lines show bearings or lengths which vary from those recorded in abutting plats or certified surveys, "recorded as" bearings and distances shall be shown.

41. Show the recorded bearings, data for the parcel where they differ from measured values. the South line should show as ( 89deg 45') and the East and West lines should Show as ( North ) and ( South)

42. Add a comma to the total square footage at the end of the legal description so it reads 10,340.

43. Submit to Jule Smith, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing in a format compatible with AutoCAD. The digital CADD file(s) shall be referenced to the Dane County Coordinate System and shall contain, at minimum, the list of items stated below, each on a separate layer/level name. The line work, preferably closed polylines for lot lines, shall be void of gaps and overlaps and match the final recorded plat:

    a) Right-of-Way lines (public and private)
    b) Lot lines
    c) Lot numbers
    d) Lot/Plat dimensions
    e) Street names
    f) Easement lines (i.e. all shown on the plat including wetland & floodplain boundaries.)

    NOTE: This Transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The Developer/Surveyor shall submit new updated final plat, electronic data for any changes subsequent to any submittal.

The following agencies reviewed the request and recommended no conditions of approval: Traffic Engineering Division, Forestry Division, Metro Transit, Assessor’s Office