

PLANNING DIVISION STAFF REPORT

January 9, 2023



PREPARED FOR THE PLAN COMMISSION

Project Address: 3809 East Washington Avenue (3rd Alder District, Alder Paulson)
Application Type: Demolition Permit
Legistar File ID # [74540](#)
Prepared By: Lisa McNabola, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: John Hoffmann; Hammersley Stone Co. Inc., 6291 Lacy Road, Fitchburg, WI 53593

Owner: Hy-Vee, Inc.; 5820 Westown Parkway, West Des Moines, IA, 50266

Requested Action: Consideration of a demolition permit to demolish a financial institution at 3809 East Washington Avenue.

Proposal Summary: The applicant is seeking approval to demolish a one-story financial institution.

Applicable Regulations & Standards: Standards of approval for demolition permits are found in §28.185(6)

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission finds the approval standards for demolition permits are met and **approve** the demolition of a financial institution at 3809 East Washington Avenue.

Background Information

Parcel Location: The 26,050 square-foot (.59-acre) parcel is located along the east side of East Washington Avenue between Mendota Street and Lien Road. It is within Alder District 3 and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is occupied by a one-story financial institution with a drive-thru. It is zoned Commercial Corridor – Transitional (CC-T) District.

Surrounding Land Use and Zoning:

North: Across East Washington Avenue, single family homes, zoned Suburban Residential – Consistent 3 (SR-C3) District;

East: One-story commercial building, zoned Commercial Corridor – Transitional (CC-T) District;

South: Hy-Vee grocery store, zoned CC-T District; and

West: Across Mendota Street, auto repair garage, zoned CC-T District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Community Mixed Use (CMU) for the subject site. The [Greater East Towne Area Plan](#) (2022) recommends Community Mixed Use (CMU) for the site.

Zoning Summary: The property is in the Commercial Corridor – Transitional (CC-T) District.

Other Critical Zoning Items	
Urban Design	Yes UDD #5
Historic District	No
Floodplain	No
Adjacent to Park	No
Barrier Free (ILHR 69)	N/A
Utility Easements	Yes
Wetlands	No
Wellhead Protection District	Yes

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 applicant is requesting approval to demolish a one-story financial institution with a drive-thru. Per data from the Assessor’s office, the 823 square-foot structure was built in 1996. The building would be demolished and the concrete slab and parking lot would remain. Demolition photos submitted by the applicant do not appear to show any structural issues with the building.

The [Comprehensive Plan](#) (2018) recommends Community Mixed Use (CMU) for the subject site. The CMU category includes existing and planned areas supporting an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole. The [Greater East Towne Area Plan](#) (2022) recommends Community Mixed Use (CMU) for the site. Staff do not believe that the proposed demolition would impede such development 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.

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 December 12, 2022 meeting, the Landmarks Commission found that the building at 3809 East Washington 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 Madison Police Department contacted the applicant regarding graffiti marks on the building, and suggested the building be torn down if there was no plan to utilize the space.

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

Recommendation

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

The Planning Division recommends that the Plan Commission finds the approval standards for demolition permits are met and **approve** the demolition of a financial institution at 3809 East Washington Avenue, 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

Metro Transit (Tim Sobota, 261-4289)

1. In coordination with any public works improvements, the applicant shall maintain or replace the concrete boarding pad surface at the existing Metro bus stop on the south side of East Washington Avenue, east of Mendota Street (#9573).
 2. The existing curbside bus stop zone and accessible pedestrian sidewalk and concrete boarding pad on the south side of East Washington Avenue, east of Mendota Street, provides critical access to the City's transit operations, and any planned or permitted obstruction of the existing bus stop zones in excess of thirty (30) days may require additional right-of-way improvements and/or other mitigation measures in coordination with Traffic Engineering and Metro Transit staff - in order to create an alternate bus stop zone that would serve the East Washington Avenue at Mendota Street intersection area in a comparable operational and accessible manner.
 3. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.
4. Metro Transit operates daily all-day transit service along East Washington Avenue adjacent this property - with trips at least every 30 minutes.

Zoning (Contact Jacob Moskowitz, 266-4560)

5. 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).
6. 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.
7. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

Engineering Division (Brenda Stanley, 261-9127)

8. 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))

Fire Department (William Sullivan, 261-9658)

9. 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.

Forestry Section (Bradley Hofmann, 267-4908)

10. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
11. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.
12. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
13. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.
14. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

Water Utility (Jeff Belshaw, 261-9835)

15. 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.

Engineering Division – Mapping Section (Jeffrey Quamme, 266-4097)

16. The City of Madison has made an offer for acquisition of part of this property adjacent to E Washington Ave. Refer to City of Madison Real Estate Project No. 12560 and Transportation Plat No. 12777-2-4.10 Amendment No: 1, Parcel 39.
17. Provide a demolition plan showing the parcel boundary, improvements to be demolished and any impervious areas to remain or to be added. Also show and label the existing public sanitary sewer within the easterly corner of the lot and also show and label the Sanitary Sewer Easements per Doc No's 1005924 and 998712.
18. The Survey attached to this review is not of the parcel of the demolition. Note there are several ALTA boundary surveys that have been filed at the County Surveyor's Office of the HyVee site that include this parcel.

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