PLANNING DIVISION STAFF REPORT

January 22, 2024

PREPARED FOR THE PLAN COMMISSION

Project Address: **6402 Femrite Drive** (District 16 – Alder Currie)

Application Type: Demolition Permit

Legistar File ID # 81265

Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Michelle Orge, Executive Director; Second Harvest Foodbank of Southern Wisconsin, Inc.; 2802 Dairy Drive; Madison, WI 53718

Contact: Joseph Bartol; Stroud, Willink & Howard, LLC; 33 E Main Street, Suite 610; Madison, WI 53703

Property Owner: McAllen Properties 120, LLC; 3950 Commercial Ave; Madison, WI 53714

Requested Action: Consideration of a demolition permit to demolish a single-family residence at 6402 Femrite Drive.

Proposal Summary: The applicant is requesting approval to demolish a single-family residence. The applicant proposes to commence demolition of the residence as well as the two accessory buildings on the site immediately after final approval from the City.

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

Review Required By: Plan Commission

Summary Recommendation: That the Plan Commission find that the standards for demolition permits are met and **approve** demolition of the single-family residence subject to input at the public hearing, and the recommended conditions beginning on **page 4**.

Background Information

Parcel Location: The development site is roughly 38,850 square-feet (0.89 acres) in area and is located to the northeast of the intersection of Femrite Drive and Ohmeda Drive. The site has frontage along both streets. It is located within Alder District 16 (Ald. Currie) and the McFarland School District.

Existing Conditions and Land Use: The site is developed with a one-story, two-bedroom, roughly 1,060-square-foot residence, which according to City Assessor's Office records was originally constructed in 1955. It also has an attached, two-car garage.

Surrounding Land Uses and Zoning:

North: Undeveloped agricultural land, zoned Industrial – Limited (IL) district);

South: Across Femrite Drive is a commercial warehouse facility, zoned IL;

East: Undeveloped agricultural land, zoned IL; and

West: Across Ohmeda Drive is a commercial warehouse facility, zoned IL.

Adopted Land Use Plan: The 2018 Comprehensive Plan recommends Industrial (I) uses for the subject property, as does the Yahara Hills Neighborhood Development Plan (2017).

Zoning Summary: The site is proposed to be zoned to the Industrial – Limited (IL) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	34,848 sq. ft.
Lot Width	75'	150.40'
Front Yard Setback	0' or 5'	TBD
Side Yard Setback: Street side yard	0' or 5'	TBD
Side Yard Setback	None if adjacent to property zoned IL or IG 10' if adjacent to property zoned anything other than IL or IG	TBD
Rear Yard Setback	30'	TBD
Maximum Lot Coverage	75%	TBD
Maximum Building Height	None	TBD
Lot Area (sq. ft.)	20,000 sq. ft.	34,848 sq. ft.
Lot Width	75'	150.40'

Other Critical Zoning Items	
Yes:	Utility Easements
No:	Urban Design; Historic District; Floodplain, Wetlands, Wellhead Protection, Adjacent to Park, TOD Overlay; Barrier Free (ILHR 69)

Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services, including Metro Transit service.

Related Approvals

On June 20, 2023, the Common Council reviewed and approved a two-lot certified survey of property located at 6402-6410 Femrite Drive, Township 07N, Range 10E, City of Madison, Dane County, Wisconsin. (Legistar File 77594) As part of that approval, Zoning recommended a condition which started, "*The existing lot at 6402 Femrite Dr contains a nonconforming single-family residence use. Per MGO Section 28.191 Nonconforming Uses, the nonconforming use shall not be extended or expanded. The nonconforming use shall be eliminated prior to recording the CSM.*"

Project Description

The applicant is requesting approval of a demolition permit to raze a single-family residence. The residence is a one-story, two-bedroom, roughly 1,060-square-foot structure with an attached, two-car garage. According to City Assessor's Office records, it was originally constructed in 1955. Photos of the interior and exterior of the residence have been included in the applicant's materials. Submitted plans also show that the two accessory buildings at the rear of the site as well as the five trees located on the east side of the site will also be removed.

Currently deemed by Zoning to be a non-conforming use in the Industrial – Limited District, the applicant is looking to demolish the single-family residence in order to be able to record a certified survey map to combine the subject property with the adjacent lot at 6410 Femrite Drive and begin a redevelopment of the larger property.

Analysis

This proposal is subject to the standards for Demolitions [MGO Section 28.185(7)].

Conformance with Adopted Plans

The 2018 Comprehensive Plan recommends Industrial (I) uses for the subject property, as does the Yahara Hills Neighborhood Development Plan (2017).

Demolition Permit Standards

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. The Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests and find them met in order to approve. 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 statement of purpose in Section 28.185 states, in part:

> *"The purpose of this section is therefore to ensure the preservation of historic buildings, encourage applicants to strongly consider relocating rather than demolishing existing buildings, aid in the implementation of adopted City plans, maximize the reuse or recycling of materials resulting from a demolition, protect the public from potentially unsafe structures and public nuisances…"*

On balance, staff believes that standards can be found met and provides the following additional information.

In regards to Standard 1 related to the possible building relocation efforts, the Plan Commission is required to consider any information provided related to possible relocation activities. In submitted materials, the applicant notes that relocation was considered but was deemed to be economically unfeasible.

In regards to Standard 6, Planning Division staff have not received any comments from City Building Inspection, Fire, or Police and have no further condition information other than the interior and exterior photos. From the

submitted information, staff is not aware of significant structural issues. While the code notes the condition must be considered, it does not specify that a certain structural condition or level of disrepair is necessary in order to approve a demolition.

Related to the historic value of the structures, staff notes Standard 4 states:

> "*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.*"

The Landmarks Commission reviewed the demolition of the existing building at its January 8, 2024 meeting and recommended to the Plan Commission that the building "*has no known historic value.*"

Standard 7, which includes references the standards 1-6 states that *"The Plan Commission shall consider the factors and information specified in items 1-6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison."*

Staff believe the Demolition Permit standards can be found met subject to input at the public hearing and comments from reviewing agencies.

Public Input

At time of writing, Staff have not received any public comments.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

That the Plan Commission find that the standards for demolition permits are met and **approve** demolition of the single-family residence subject to input at the public hearing, and the following recommended conditions:

The following conditions have been submitted by reviewing agencies:

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

Engineering Division (Main Office) (Contact Brenda Stanley, (608) 261-9127)

1. Provide proof of septic system abandonment from Public Health - Madison and Dane County as a condition of plan approval. Septic System abandonment application is available online at http://www.publichealthmdc.com/environmental/septage/

City Engineering – Mapping (Contact Julius Smith, (608) 264-9276)

2. The site plan shall include all lot/ownership lines, existing building locations, demolitions, driveways, sidewalks (public and/or private), existing and proposed conditions such as if property is going to be seeded over, utility locations and their terminations, septic removals and landscaping if any.

Parking Review (Contact Trent W Schultz, (608) 246-5806)

3. The agency reviewed this request and has recommended no conditions of approval. A Transportation Demand Management (TDM) Plan may be required as part of future development.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

4. Section 28.185(9)(b) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.

5. Approval of the demolition permit will require the removal of all structures including the single-family residence, accessory buildings, 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.

Madison Fire Department (Contact Matt Hamilton, (608) 266-4457)

6. 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.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

7. 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.

The following agencies have reviewed this request and has recommended no conditions of approval:

Traffic Engineering, Assessor's Office, Forestry, Parks, Metro