

PLANNING DIVISION STAFF REPORT

August 26, 2024



PREPARED FOR THE PLAN COMMISSION

Project Address: 301/303 Potter Street (District 13, Alder Evers)
Legistar File ID #: [84445](#)
Prepared By: Lisa McNabola, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Owner: Steven Kismohr; Green Hat Eco-Studio; 1645 Greenleaf Avenue, Chicago, IL 60626

Requested Action: Consideration of a demolition permit to demolish a single-family building at 301/303 Potter Street.

Proposal Summary: The applicant proposes to demolish a single-family building at 301/303 Potter Street.

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

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that Plan Commission find the demolition standards met and **approve** the request to demolish a single-family building at 301/303 Potter Street. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 7,200 square-foot (0.16-acre) parcel is located at the southwest corner of Potter Street and Lake Court. It is located within Alder District 13 (Alder Evers) and the Madison Metropolitan School District.

Existing Conditions and Land Use: Per data from the Assessor's Office the site is occupied by a one-story, single-family building built in 1904. It is zoned Traditional Residential-Consistent 2 (TR-C2) District.

Surrounding Land Use and Zoning:

North: Single-family residential buildings and Franklin Elementary School, zoned Traditional Residential-Consistent 2 (TR-C2) District;

East: Single-family residential buildings, zoned TR-C2 District;

South: Single-family residential buildings, zoned TR-C2 District; two-unit residential buildings, zoned Traditional Residential – Consistent 3 (TR-C3) District; and

West: Single-family residential buildings, zoned TR-C2 District.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2023) recommends Low Residential (LR) for the subject site. The [South Madison Neighborhood Plan](#) (2005) recommends Residential Medium Density-Mixed Housing District. The [Bay Creek Neighborhood Plan](#) (1991) recommends Low-Medium Density Residential Single Unit.

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

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 proposing to demolish a one-story, single-family building. The subject site is located at the southwest corner of Potter Street and Lake Court.

The Plan Commission shall consider the seven approval standards in MGO Section 28.185(9)(c) 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. While the letter of intent references plans to construct a new single family structure after demolition, the review of the new structure is not before the Plan Commission.

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." In speaking with the applicant, they do not plan to relocate the building.

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 August 5, 2024 meeting, the Landmarks Commission found that the building at 301/303 Potter Street has no known historic value.

Regarding standard 6, "The Plan Commission shall consider the condition of the building or buildings proposed for demolition or removal..." Planning Division staff has not inspected the building. The applicant provided photos of the interior and exterior of the building. Per the applicant, there is water damage at the foundation and the letter of intent also references mold as well as degraded and damaged interior features.

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

Recommendation

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

The Planning Division recommends that Plan Commission find the demolition standards met and **approve** the request to demolish a single-family building at 301/303 Potter Street. 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

Engineering Division (Contact Tim Troester, 267-1995)

1. This site accepts drainage from other private property on the block and conveys it to the ROW. A plan shall be provided showing how that water drainage pattern shall continue to be accommodated. Revise plan set to show more information on proposed drainage for the site. Use either spot elevations and drainage arrows or proposed contours to show the required drainage information. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)

2. 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))

Zoning (Contact Jacob Moskowitz, 266-4560)

3. 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.

Fire Department (Contact Matt Hamilton, 266-4457)

4. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Ron Blumer at rblumer@cityofmadison.com or (608) 266-5959.

Forestry Section (Contact Bradley Hofmann, 267-4908)

5. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diamater at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
6. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.
7. 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 plan.

8. 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.
9. 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.
10. 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.
11. 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)

12. A private well may have served this parcel prior to the municipal water service connection. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 266-4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs. 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.

13. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. 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. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

The following agencies reviewed the request and recommended no conditions of approval: Engineering Mapping, Traffic Engineering, Parks Division, Metro Transit, and Parking Utility.