



## Report to the Plan Commission

May 16, 2011

**Legistar I.D. #21953**  
**3030 City View Drive**  
**Demolition and Rezoning**

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

**Requested Action:** Approval of the demolition of a vacant nursing home and the rezoning of property from R4 (General Residence) to RPSM (Research Park – Specialized Manufacturing) for a future business expansion.

**Applicable Regulations & Standards:** Section 28.12(12) provides the process and standards for demolition approval. Section 28.12(9) provides the process and standards for zoning map amendments.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission finds that the demolition standards zoning map amendment standards can be met and **approve** the request to demolish a nursing home and rezone property from R4 to RPSM for future development.

### Background Information

**Applicant/Property Owner** Wisconsin Reinsurance Corporation; 2810 City View Drive; Madison

**Project Contact:** Suma Elwell; Wisconsin Reinsurance Corporation; 2810 City View Drive; Madison

**Proposal:** The applicant is requesting approval to demolish a vacant nursing home building constructed in 1905 with major additions in 1974, and to rezone the property from R4 (General Residence) to RPSM (Research Park – Specialized Manufacturing) for a future business expansion. No development is proposed at this time, and the area will be maintained as temporary open space.

**Parcel Location:** 3030 City View Drive is located on the west side of City View Drive at the western terminus of Burke Road; Aldermanic District 17(Clausius); Sun Prairie School District.

**Existing Conditions:** The 2.5-acre property is developed with a vacant 19,000 square foot, 45-bedroom nursing home facility. There are two existing access driveways from City View Drive, and an asphalt surface parking lot located on the northern portion of the property

#### Surrounding Land Use and Zoning:

**North:** The back side of American TV and Appliance, a 113,000 square foot retail building in the C2 (General Commercial) District.

**South:** Two-story office building and surface parking on a 4.5-acre property in the RPSM (Research Park – Specialized Manufacturing) District. The building was constructed in 1994 and is owned by the applicant.

**East:** Across City View Drive, Holborn Village at High Crossing Condominiums, 96 residential units in the PUD-SIP (Planned Unit Development – Specific Implementation Plan) District. The 24 four-unit buildings on this 9-acre property were constructed in 1994.

**West:** Immediately adjacent to the property is an undeveloped 2.2-acre parcel in the RPSM (Research Park – Specialized Manufacturing) District. South and west of the undeveloped parcel are several office buildings in the RPSM District.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends Medium Density Residential (MDR) for this property, although adjacent property to the south and west are recommended for Employment (E). The Nelson Neighborhood Development Plan (1992) also recommends residential use.

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

**Public Utilities and Services:** The property is served by a range of urban services, including Metro Route 36, providing daily transit service.

**Zoning Summary:** The property is in the R4 District.

Requirements	Required	Proposed
Lot Area	43,560	110,483
Lot width	100'	483.8'
Impervious Surface Ratio	0.85 per zoning lot	TBD
Front yard	25'	TBD
Side yards	15' or 20% of building height	TBD
Rear yard	30' or 45% of building height	TBD
Floor area ratio	Maximum 1.0	TBD

**Other Critical Zoning Items**

Urban Design	No
Floodplain	No
Utility Easements	Yes
Building Design / Architectural Review	Yes

*Prepared by: Pat Anderson, Asst. Zoning Administrator*

**Project Description**

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Wisconsin Reinsurance Corporation purchased the property immediately north of their existing offices in December 2010. With this application, they propose to demolish the vacant nursing home building and all associated paved surfaces, regrade, and reseed the site as open space in the short term. Concurrent with the demolition proposal, the applicant proposes a rezoning of the site from R4 (General Residence District) to RPSM (Research Park–Specialized Manufacturing) District for future business expansion.

**Public Input**

The applicant notified by mail the owners and residents of residential properties across City View Drive to the east. Staff has received no public input on the proposal to date, and is unaware of any opposition.

**Evaluation and Conclusion**

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**Demolition**

Neither the Landmarks Commission nor the Preservation Planner had comments regarding the proposed demolition. While the exterior of the building is in average condition based on the latest assessment, most of the building interior is in poor condition, as evidenced by the submitted photographs.

Rather than waiting to demolish the building until completing expansion plans for their business, the applicant is interested in demolishing the building in the near future and restoring the property to open space in the short term, citing safety and cost concerns about maintaining a large vacant building for the next few years.

The demolition approval standards allow the Plan Commission to approve demolition on a non-residential building without a specific proposal for a future use, so long as the zoning district designation adequately ensures development consistent with adopted City Plans. Concurrent with the demolition request, the applicant is requesting a rezoning of the property from R4 to RPSM, which would allow for a future northward expansion of their offices.

**Rezoning**

At the individual parcel level, this request for a zoning map amendment initially appears to be inconsistent with the Comprehensive Plan general land use recommendation for Medium Density Residential land use (MDR) on this specific property. However, the Plan allows for some flexibility, especially at the geographic edges of land use categories, with the language:

“While they are mapped to specific locations, the land use recommendations presented in the Generalized Future Land Use Maps are still relatively broad, and the exact shape of many of the land use districts is necessarily somewhat conceptual.” (p. 2-73), and;

“The Maps are a representation of the recommended pattern of future land uses at a large scale, and is not intended for application on a parcel-by-parcel basis... Recommended land uses are generalized, in that the exact boundaries between one land use category and another are often only approximate...” (p. 2-77).

The Comprehensive Plan recommends Employment (E) uses for adjacent parcels to the south, along the west side of City View Drive, and all other residential uses in this area, existing or planned, are east of City View Drive. When the Comprehensive Plan was adopted in 2006, it was likely assumed that the nursing home use would continue on the site. The Nelson Neighborhood Development Plan (1992), which also recommends residential uses for this specific property, is scheduled to be updated this coming summer, and the land use recommendation for the property could be changed from Residential to Employment at that time.

Staff believes that RPSM zoning would be a more appropriate district than the existing R4 district, and would accommodate future expansion of the Wisconsin Reinsurance Corporation offices immediately to the south, while ensuring an attractive, quiet working environment with minimal nuisances to the residential uses across the street to the east. The Statement of Purpose for the RPSM District is as follows:

“The RPSM District is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, research and development institutions, and certain specialized manufacturing establishments, all of a non-nuisance type. The essential purpose of this district is to achieve development which is practical, feasible and economical and an asset to the owners, neighbors, and the community and to promote and maintain desirable economic development activities in a park like setting.”

Staff believes that in this and similar cases, the proposed rezoning from R4 to RPSM is in the public interest, is consistent with the goals, objectives, policies and intent of the Comprehensive Plan, and will result in a more appropriate district for the property in the short term. New uses within the RPSM District will likely have impacts such as traffic and noise similar to that of the nursing home facility. When the new zoning code is adopted, an employment zoning district similar to RPSM will be recommended for this and other properties on the west side of this portion of City View Drive.

Planning Division staff recommends that the Plan Commission finds that the standards for zoning map amendments can be met, and **approve** the request subject to input at the public hearing and conditions from reviewing agencies.

### **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

#### **Planning Division Recommendation** (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the demolition and zoning map amendment standards can be met and **approve** the request subject to input at the public hearing and the following conditions:

***The following conditions have been submitted by reviewing agencies:***

#### **City Engineering Division** (Contact Janet Dailey, 261-9688)

1. Applicant shall locate City sewer lateral if present and take out a sewer plug permit. The lateral is not shown on City records.
2. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass (POLICY).

3. *Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.* The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees (MGO 16.23(9)(d)(6)). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
4. All work in the public right-of-way shall be performed by a City licensed contractor (MGO 16.23(9)(c)5) and MGO 23.01).
5. All damage to the pavement on City View Drive, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY).
6. 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 7.5-tons per acre per year.
7. Prior to approval, this project shall comply with MGO Chapter 37 regarding stormwater management. Specifically, this development is required to complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by MGO Chapter 37.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

8. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner (POLICY). This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

**Traffic Engineering Division** (Contact John Leach, 267-8755)

9. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

10. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
11. MGO Sec. 28.12(12)(e) requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.

**Fire Department** (Contact Bill Sullivan, 266-4420)

12. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

**Water Utility** (Contact Dennis Cawley, 261-9243)

13. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
14. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.