

## PLANNING DIVISION STAFF REPORT

June 5, 2017



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 3629 Marsh Road  
**Application Type:** Demolition Permit  
**Legistar File ID #** [47303](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

### Summary

**Applicant & Property Owner:** City of Madison; representative: Randy Wiesner, City Engineering Division.

**Requested Action:** Approval of a demolition permit to allow a single-family residence located at 3629 Marsh Road to be demolished to expand Penito Creek Greenway.

**Proposal Summary:** The City is requesting approval to remove the 1.5-story single-family residence on the subject site as part of a flood control project related to the adjacent Penito Creek Greenway. Demolition will commence as soon as all regulatory approvals have been granted, with demolition and site restoration work scheduled to be completed prior to this winter.

**Applicable Regulations & Standards:** Section 28.185 provides the process and standards for the approval of demolition and removal permits.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow the demolition of a single-family residence at 3629 Marsh Road subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

### Background Information

**Parcel Location:** The subject site is an approximately 0.8-acre parcel located on the east side of Marsh Road, approximately 200 feet northeast of the intersection of Marsh Road and Agriculture Drive; Aldermanic District 16 (Demarb); Madison Metropolitan School District.

**Existing Conditions and Land Use:** Single-family residence and detached garage, zoned IL (Industrial–Limited District).

**Surrounding Land Use and Zoning:** The subject site is generally surrounded on the north, south and east by the City's Penito Creek Greenway, which is zoned A (Agricultural District). The greenway also extends to the west of the site across Marsh Road; properties to the north of the greenway on the west side of Marsh Road are developed with multi-tenant industrial/ commercial buildings, zoned IL (Industrial–Limited District) zoning. The section of Marsh Road adjacent to the subject site ends 600 feet further north at the southern right of way for the Beltline Highway.

**Adopted Land Use Plan:** The Comprehensive Plan identifies the subject site and surrounding properties located on both sides of Marsh Road generally north of Voges Road for Industrial uses. The City- and State-owned lands and rights of way to the west, north and east are identified for Park and Open Space uses.

The Marsh Road Neighborhood Development Plan also identifies the subject site and properties to the south and northwest for industrial uses. The City- and State-owned lands and rights of way surrounding the subject site are identified for park, drainage and open space uses.

**Zoning Summary:** The subject property is zoned IL (Industrial–Limited District); no new construction is proposed following demolition.

**Environmental Corridor Status:** The property is located within a mapped environmental corridor. The site is located within an area of one percent annual flood risk, and Penito Creek extends east-west across the northern edge of the residential property.

**Public Utilities and Services:** The site is served by a full range of urban services.

## Project Description, Analysis and Conclusion

On November 22, 2016, the Common Council adopted Resolution 16-00853 (ID [44917](#)) authorizing the execution of a Purchase and Sale Agreement between the City and Thomas R. and Carol L. Welch for the purchase of their property at 3629 Marsh Road. The purchase of the property was partially funded by a Municipal Flood Control Grant from the Wisconsin Department of Natural Resources. The Plan Commission recommended approval of the purchase to the Common Council at its November 7, 2016 meeting. Acquisition of the 0.8-acre subject property was completed in January 2017.

The house at 3629 Marsh Road was constructed in 1919 according to City records and contains three bedrooms and one bath and approximately 1,860 square feet of floor area. The property has been prone to flooding in recent years from Penito Creek, a perennial stream that extends along the northern edge of the parcel. The City's Penito Creek Greenway surrounds the residential property on the north, south and east, and the creek and greenway continue directly west of the site across Marsh Road. Following demolition of the residence and accessory structure(s), the property, which is located entirely within a regulatory floodplain, will be reclaimed as part of the surrounding greenway.

The Zoning Code requires Plan Commission approval prior to the demolition of any structure that has been used at any time as a single-family or multiple-family residence, is a landmark, or is located in a Historic District or Neighborhood Conservation District regardless of condition or reason. The Planning Division believes that the Plan Commission can find the standards for approval met to allow the flood-prone single-family residence to be demolished to allow expansion of the City-owned greenway that surrounds it. Photos provided by the City Engineering Division suggest a residence in average to below average condition. The Landmarks Commission informally reviewed the proposed demolition on May 1, 2017 and recommended to the Plan Commission that the building had no known historic value.

## **Recommendation**

### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow demolition of a single-family residence at 3629 Marsh Road subject to input at the public hearing and the following conditions:

### **City Engineering Division** (Contact Brenda Stanley, 261-9127)

1. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees.

### **City Engineering Division – Mapping Section** (Contact Jeff Quamme, 266-4097)

2. The applicant and contractor should be aware of the existence a petroleum pipe line lying approximately 50 feet to the northeast of this property.

### **Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

This agency submitted a response with no comments or conditions of approval for this request.

### **Zoning Administrator** (Contact Jenny Kirchgatter, 266-4429)

3. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Bryan Johnson (266-4682), prior to a demolition permit being issued. MGO Section 28.185(7)(a)5 of the Zoning Ordinance 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, 261-9658)

4. Please consider allowing Madison Fire Department to conduct training sequences prior to demolition. Contact Capt. Jerry Buechner of the MFD Training Division to discuss this possibility at (608) 516-9195.

### **Water Utility** (Contact Adam Wiederhoeft, 266-9121)

5. Note: This parcel has a deferred water main assessment from 1999 of \$6,828.80 at 6% interest.
6. 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 MGO Section 13.21 prior to the demolition of the property. Please contact Water Utility staff at (608) 266-4654 for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.

**Parks Division** (Contact Janet Schmidt, 261-9688)

This agency submitted a response with no comments or conditions of approval for this request.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency submitted a response with no comments or conditions of approval for this request.