



PREPARED FOR THE PLAN COMMISSION

Project Address: 2003 Freeport Road
Application Type: Demolition Permit
Legistar File ID # [48150](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant & Property Owner: Eugene Bennett, 2001 Freeport Road Properties, LLC; 2009 Freeport Road; Madison.

Contact Person: Brandon Adler, Bouril Design Studio, LLC; 6425 Donna Road; Madison.

Requested Action: Approval of a demolition permit to demolish greater than fifty (50) percent of a commercial building at 2003 Freeport Road.

Proposal Summary: The applicant and property owner is requesting approval of a demolition permit to formalize the unpermitted removal of greater than 50 percent of a commercial building addressed as 2003 Freeport Road, which is located at the rear of a parcel addressed as 2001 Freeport, and which includes an auto repair business on the western front half of the property closest to the street. The application indicates that 3,180 square feet of the metal storage building was removed, with 1,236 square feet of the building remaining. Site restoration work will be completed as soon as all regulatory approvals have been granted.

Applicable Regulations & Standards: Section 28.185 provides the process and standards for the approval of demolition and removal permits for principal (non-accessory) buildings.

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 greater than fifty (50) percent of a commercial building at 2003 Freeport 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 a 0.32-acre parcel located on the east side of Freeport Road, approximately 50 feet south of where it intersects Verona Road Frontage Road; Aldermanic District 10 (Cheeks); Madison Metropolitan School District. The subject site is part of a planned multi-use site that includes the applicant and property owner's restaurant-tavern to the south, which is addressed 2009 Freeport Road. The overall planned multi-use site contains 0.67 acres of land.

Existing Conditions and Land Use: A one-story, 2,024 square-foot auto repair facility located at 2001 Freeport Road, and a one-story, 1,236 square-foot warehouse/storage building addressed as 2003 Freeport; the site is zoned IL (Industrial-Limited District).

Surrounding Land Use and Zoning:

North: Light Haus Custom Glass, Freeport Road Self-Storage, zoned IL (Industrial–Limited District);

South: Bennett’s Meadowood Country Club, zoned IL; Raymond Road and Verona Road/US Highway 18 and 151 rights of way;

West: Single-family residence, auto repair facility, and the City of Madison Parks Division’s Summit Maintenance Facility, all zoned IL;

East: Southwest Commuter Bike Path and Verona Road right of way, all owned the Wisconsin Department of Transportation.

Adopted Land Use Plan: The Comprehensive Plan recommends the subject site and surrounding properties for General Commercial uses. There are no neighborhood or special area plans that include the subject property.

Zoning Summary: The site is zoned IL (Industrial–Limited District):

Requirements	Required	Proposed
Lot Area	20,000 sq. ft.	0.67 acres (planned multi-use site)
Lot Width	75’	Adequate, existing
Front Yard	0’	Adequate, existing
Side Yards	Greater of 15’ or 20% of bldg. height	Existing
Rear Yard	30’	Existing
Maximum Lot Coverage	Maximum 75%	Existing
Maximum Building Height	N/A	One story buildings
Auto Parking	No required minimum	27, inc. 3 accessible (see conditions)
Bike Parking	Auto repair station: 1 per 5 employees (TBD) Contractor’s yard: 1 per 5,000 sq. ft. floor area (TBD) Restaurant-tavern: 5% of capacity (TBD)	6 (see conditions)
Loading	N/A	0
Building Forms	Freestanding commercial building and Industrial building	Existing
Other Critical Zoning Items		
Yes:	Barrier Free, Utility Easements	
No:	Floodplain, Urban Design, Wellhead Protection, Landmarks, Waterfront Development	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

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.

Project Description, Analysis and Conclusion

The applicant and property owner is requesting approval of a demolition permit to formalize the unpermitted removal of greater than 50 percent of a one-story commercial building addressed as 2003 Freeport Road, which is located at the rear of a parcel addressed as 2001 Freeport, and which includes an auto repair business on the

western front half of the property closest to the street. The application indicates that 3,180 square feet of the metal warehouse/storage building was removed in August 2016, with the northernmost 1,236 square feet of the building left. Plans submitted with the application indicate that the portion of the 0.32-acre site where the building was removed will be paved to provide additional parking for nearby businesses, including the applicant and property owner's adjacent restaurant-tavern located at 2009 Freeport Road, which shares access and parking with the subject site. The auto repair facility at 2001 Freeport Road, warehousing/storage building at 2003, and "Bennett's Meadowood Country Club" at 2009 occupy a total of 0.67 acres of land, and comprise a planned multi-use site as defined in the Zoning Code, with a total of 42 auto parking stalls proposed to serve the three buildings and two parcels. Access to the planned multi-use site is provided by two existing driveways from Freeport Road.

The applicant and property owner was issued a summons to appear in Municipal Court for violations of the Zoning Code and Building Code for not obtaining the necessary permits for the demolition of the southern two-thirds of the warehouse/ storage building at 2003 Freeport Road, including the requirement to obtain Plan Commission approval of a demolition permit prior to razing greater than 50 percent of a principal (non-accessory) building. The citations also noted a longstanding violation of the approved zoning site plans that govern the subject site and adjacent property at 2009 Freeport Road. The City successfully prosecuted the applicant and property owner for the violations, including the levying of many thousands of dollars of fines.

In addition, the applicant and property owner is required to formally request Plan Commission approval of the demolition of the 3,180 square feet of building removed last year "ex post facto." A site plan for various parking lot and landscaping improvements will replace the area where the southern portion of 2003 once stood. The plans submitted for consideration show the previous and current floorplans, as well as the parking lot plans for the larger planned multi-use site. The letter of intent indicates that the portion of building removed without permits was "deteriorated," and that the 1,236 square-foot portion that was left received new wall panels and a repainted roof and exterior doors.

The Planning Division believes that the Plan Commission can find the standards for approval met with this request for demolition permit approval. While the applicant and property owner is "seeking forgiveness" for not having obtained the necessary permits prior to demolishing two-thirds of the metal warehouse/storage building, staff believes that approval of this request and the associated plans, and that successful implementation of the approved plans, will ultimately result in an acceptable outcome from a land use perspective.

The Landmarks Commission informally reviewed the demolition on July 31, 2017 and recommended to the Plan Commission that 2003 Freeport Road has 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 demolish greater than fifty (50) percent of a commercial building at 2003 Freeport Road subject to input at the public hearing and the following conditions:

City Engineering Division (Contact Tim Troester, 267-1995)

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

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

1. Provide the copy of the recorded access agreement for the access area used by this parcel over the lands located at 2009 Freeport Road.
2. Remove the excess pavement within the public right of way of Freeport Road that is not needed for permitted access to this site.
3. Remove gravel and pavement within this property between the designated stalls and the east property line. There shall be no vehicular access permitted between this property and the adjacent bike path/ former railroad corridor.
4. It has been shown that the building at 1921 Freeport Road substantially encroaches onto this property at 2003 Freeport. Previous site plans do not acknowledge an encroachment. Engineering Mapping has some concern with the position of the north property line of this property as shown on this plan when evaluating information contained within City Engineering Mapping files. The applicant shall have the Surveyor contact Dan Sommer of City of Madison Engineering–Mapping to discuss this issue (266-4831).
5. The demolition plan shall note and show the approximate outline of the building that has already been demolished.
6. The map by the surveyor shows and monuments a boundary. The applicant shall provide a signed and stamped copy of the survey and a copy shall be filed at the County Surveyor's Office as required by statute.
7. The applicant shall submit to Jeff Quamme, prior to Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat/CSM to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe pdf format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: a.) Right-of-Way lines (public and private); b) Lot lines; c) Lot numbers; d) Lot/Plat dimensions; e) Street names; and f) Easement lines (i.e. street, sanitary, storm (including wetland and floodplain boundaries) water, pedestrian/ bike/ walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).

*This transmittal is a separate requirement from the required Engineering Streets Section for design purposes. The developer/surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any original submittal of data and prior to final sign off.

8. Comments contained herein are for the demolition approval at 2003 Freeport. Any review or comments on the 2009 Freeport site to the south are not part of this review.

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

9. The applicant shall secure the site per MGO 10.08. This can be accomplished by installing a substantial physical barrier along the eastern property line extended through the Verona Road right-of-way; approval for the extension of the fence through State of Wisconsin Department of Transportation (WisDOT) right-of-way shall be obtained by WisDOT prior to site plan approval. If the applicant is unable to secure WisDOT approval the applicant shall secure the site through install of a substantial barrier along the eastern and southern property lines.
10. All surfaces shall be improved with bituminous, or Portland Cement concrete pavement of brick surface in accordance with City of Madison standards and specifications per MGO Section 10.08.
11. Items in the right-of-way are not approvable though site plan approval. The applicant shall work with the City's Office of Real Estate Services to start the 'Privilege in Streets' process to obtain an Encroachment Agreement for items in the right-of-way (bicycle racks, planters, etc.). If an Encroachment agreement cannot be obtained, the applicant shall remove any such items and restore the terrace to City of Madison standards and specifications.

12. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including 2 feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
13. All parking facility design shall conform to the standards in MGO Section 10.08(6).
14. The City Traffic Engineer may require public signing and marking related to the development; the developer shall be financially responsible for such signing and marking.
15. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

16. 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). Section 28.185(10) requires that every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
17. Obtain a building permit and certificate of occupancy for the remaining portion of the building at 2003 Freeport Road.

18. Bicycle parking for this project shall be provided per Section 28.141(4) and Table 28I-3 for the various uses in the development. Per Section 28.141(11), required bicycle parking shall comply with short-term bicycle parking requirements for the commercial uses, to be shown on the final plan sets. Work with Zoning staff to confirm the bicycle parking requirements for the existing uses. Show the dimensions of the bicycle stalls and the access aisles on the site plan. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5)-foot wide access area. Provide a detail of the proposed bike rack.
19. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect. Identify and label the existing as well as proposed landscaping.
20. Show the refuse disposal area for the buildings at 2001 and 2003 Freeport Road on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. If the refuse disposal area is located outside the building, it shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure if provided outside the building.
21. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
22. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
23. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Bill Sullivan, 261-9658)

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

Water Utility (Contact Adam Wiederhoeft, 266-9121)

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

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.