



PREPARED FOR THE PLAN COMMISSION

Project Address: 3457, 3461, and 3465 Milwaukee Street (15th Aldermanic District, Alder Foster)

Application Type: Demolition Permit

Legistar File ID # [64369](#), [64370](#), and [64371](#)

Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: City of Madison; Madison Parks Division; 210 Martin Luther King Jr. Boulevard; Madison, WI 53703

Contact: Ann Freiwald; Madison Parks Division; 210 Martin Luther King Jr. Boulevard; Madison, WI 53703

Requested Action: The applicant requests approval of demolition permits to raze the existing single-family homes at 3457, 3461, and 3465 Milwaukee Street in order to facilitate the expansion of O.B. Sherry Park.

Proposal Summary: The applicant proposes to demolish three one-story, single-family homes to expand the roughly 7.8-acre O.B. Sherry Park, which neighbors the parcels to the south.

Applicable Regulations & Standards: These proposals are subject to the standards for Demolition and Removal Permits [MGO §28.185(7)]. They are also subject to MGO §28.045, which pertains to development in the TR-C4 (Traditional Residential – Consistent 4) zoning district.

Review Required by: Plan Commission

Summary Recommendations:

The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and **approve** the demolition permit request to raze the existing single-family residence at 3457 Milwaukee Street in order to facilitate the expansion of O.B. Sherry Park.

The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and **approve** the demolition permit request to raze the existing single-family residence at 3461 Milwaukee Street in order to facilitate the expansion of O.B. Sherry Park.

The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and **approve** the demolition permit request to raze the existing single-family residence at 3465 Milwaukee Street in order to facilitate the expansion of O.B. Sherry Park.

These recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The three parcels under consideration are all located along the south side of Milwaukee Street, just west of the intersection with Leon Street. The parcel at 3465 Milwaukee Street is roughly 10,200-square-feet in size and is located at the corner. Directly to the west is the roughly 8,800-square-foot, 3461 Milwaukee Street parcel followed and beyond that is the roughly 10,190-square-foot, 3457 Milwaukee Street parcel. All three are located within Aldermanic District 15 (Ald. Foster) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject sites are all developed and all are zoned TR-C4 (Traditional Residential – Consistent 4). The 3457 Milwaukee Street parcel contains a one-story, 896-square-foot, single-family home with a partially finished, walkout basement and attached, one-car garage. City Assessor’s records note the home was constructed in 1951 and has two bedrooms and two bathrooms. The 3461 Milwaukee Street parcel contains a one-story 1,300-square-foot, single-family home with a partially finished, walkout basement and attached one-car garage. City Assessor’s records note was constructed in 1955 and contains three bedrooms and one-and-a-half bathrooms. Finally, the 3465 Milwaukee Street parcel contains a one-story, 780-square-foot, single-family home with a partially finished, walkout basement and detached, one-car garage. City Assessor’s records note it was constructed in 1951 and contains four bedrooms and two bathrooms.

Surrounding Land Use and Zoning:

North: Across Milwaukee Street is the Voit Property, an agricultural (farm) use, which is located in the Town of Blooming Grove and zoned AT-35 (Agriculture Transition) (Dane County Zoning);

South: City of Madison’s O.B. Sherry Park, zoned Conservancy (CN);

East: Across Leon Street are single-family residences, zoned TR-C4 (Traditional Residential – Consistent 4); and

West: Two single-family residences, both zoned TR-C4.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends low residential (LR) land uses for the subject sites. The [Milwaukee Street Special Area Plan](#) (2018) identifies the subject parcels for the expansion of the adjacent, O.B. Sherry Park.

Zoning Summary: The properties are zoned TR-C4 (Traditional Residential-Consistent 4).

3457 Milwaukee Street

| Requirements | Required | Proposed |
|----------------------------------|---|----------------|
| Lot Area (sq. ft.) | 4,800 sq. ft. | 11,005 sq. ft. |
| Lot Width | 40' | 55' |
| Front Yard Setback | 20' | N/A |
| Max. Front Yard Setback | N/A | N/A |
| Side Yard Setback | One-story: 5' Two-story or more: 6' | N/A |
| Reverse Corner Side Yard Setback | 20' | N/A |
| Rear Yard Setback | Equal to building height but at least 30' | N/A |
| Maximum Lot Coverage | 65% | N/A |
| Maximum Building coverage | 50% | N/A |
| Maximum Building Height | 35' | N/A |

3461 Milwaukee Street

| Requirements | Required | Proposed |
|----------------------------------|---|---------------|
| Lot Area (sq. ft.) | 4,800 sq. ft. | 8,812 sq. ft. |
| Lot Width | 40' | 55' |
| Front Yard Setback | 20' | N/A |
| Max. Front Yard Setback | N/A | N/A |
| Side Yard Setback | One-story: 5' Two-story or more: 6' | N/A |
| Reverse Corner Side Yard Setback | 20' | N/A |
| Rear Yard Setback | Equal to building height but at least 30' | N/A |
| Maximum Lot Coverage | 65% | N/A |
| Maximum building coverage | 50% | N/A |
| Maximum Building Height | 35' | N/A |

3465 Milwaukee Street

| Requirements | Required | Proposed |
|----------------------------------|---|----------------|
| Lot Area (sq. ft.) | 4,800 sq. ft. | 10,188 sq. ft. |
| Lot Width | 40' | 55' |
| Front Yard Setback | 20' | N/A |
| Max. Front Yard Setback | N/A | N/A |
| Side Yard Setback | One-story: 5' Two-story or more: 6' | N/A |
| Reverse Corner Side Yard Setback | 20' | N/A |
| Rear Yard Setback | Equal to building height but at least 30' | N/A |
| Maximum Lot Coverage | 65% | N/A |
| Maximum Building coverage | 50% | N/A |
| Maximum Building Height | 35' | N/A |

| | |
|-------------------------------------|---|
| Other Critical Zoning Items: | Floodplain; Utility Easements; Adjacent to a Park (O.B. Sherry Park.) |
|-------------------------------------|---|

Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The properties are located in a mapped environmental corridor. The low-lying portions of all three parcels - which also border the park, to the south - are located in a mapped floodway.

Public Utilities and Services: The properties are served by a full range of urban services.

Related Approvals

On October 20, 2020, the Common Council authorized the execution of a Purchase and Sale Agreement between the City of Madison and Brian David Janssen and Kayley Hope Janssen for the City's acquisition of the property located at 3457 Milwaukee Street for the expansion of O.B. Sherry Park. (Legistar File # [62108](#)) (The Plan Commission reviewed this request at their meeting on October 5, 2020 and recommended approval to the Council).

On January 21, 2020, the Common Council authorized the execution of a Purchase and Sale Agreement between the City of Madison and Judith Voit Underwood for the City's acquisition of the property located at 3461 Milwaukee Street for the expansion of O.B. Sherry Park. (Legistar File # [58879](#)) (The Plan Commission reviewed this request at their meeting on January 13, 2020 and recommended approval to the Council).

On January 21, 2020, the Common Council authorized the execution of a Purchase and Sale Agreement between the City of Madison and Parthy Schachter and Aviv Kammay for the City's acquisition of the property located at 3465 Milwaukee Street for the expansion of O.B. Sherry Park. (Legistar File # [58880](#)) (The Plan Commission reviewed this request at their meeting on January 13, 2020 and recommended approval to the Council).

Project Description

The applicant requests approval of three demolition permits to raze three, existing single-family homes to facilitate the expansion of the adjacent O.B. Sherry Park. Note that *Parks and Playgrounds* are a permitted use in the Traditional Residential – Consistent 4 (TR-C4) District.

The subject sites are all developed and all are zoned TR-C4 (Traditional Residential – Consistent 4). The 3457 Milwaukee Street parcel contains a one-story, 896-square-foot, single-family home with a partially finished, walkout basement and attached, one-car garage. City Assessor's records note the home was constructed in 1951 and has two bedrooms and two bathrooms. The 3461 Milwaukee Street parcel contains a one-story 1,300-square-foot, single-family home with a partially finished, walkout basement and attached one-car garage. City Assessor's records note was constructed in 1955 and contains three bedrooms and one-and-a-half bathrooms. Finally, the 3465 Milwaukee Street parcel contains a one-story, 780-square-foot, single-family home with a partially finished, walkout basement and detached, one-car garage. City Assessor's records note it was constructed in 1951 and contains four bedrooms and two bathrooms. While the applicant did not raise specific deficiencies regarding the condition of the three structures, they did submit interior and exterior photos of the three buildings for review (see [3457](#), [3461](#), and [3465](#)). Staff have also been in communication with the Madison Fire Department who informed Staff that the house at 3457 Milwaukee Street had interior pipes that froze and burst during the winter, resulting in serious mold issues.

In place of the razed houses, the applicant proposes to expand the roughly 7.8-acre O.B. Sherry Park. Regarding the exact future plans of the parcels (i.e. design, program, etc.), the applicant states in the submitted materials that *"Parks has no specific plans for adding facilities to the new park land. We intend to maintain the mowed lawn condition between the Milwaukee Street sidewalk and the low laying area along the back of the residential lots. The low land along the back of the properties contains litter, as well as a few downed trees. Parks will clean up the existing trash, and remove the downed trees, but the land will be maintained as a non-mowed area, and we do not plan on removing any healthy trees."*

Analysis

These proposals are subject to the standards for Demolition and Removal Permits [MGO §28.185(7)]. They are also subject to MGO §28.045, which pertains to development in the TR-C4 (Traditional Residential – Consistent 4) zoning district.

Demolition and Removal Standards

The existing houses are proposed to be demolished. As noted in MGO Section 28.185(7), the Plan Commission must find that the requested demolitions and proposed use are compatible with the purpose of the demolition section and the intent and purpose of the Traditional Residential – Consistent (TR-C) zoning district. The Statement of Purpose for the TR-C District says, in part:

The TR-C Districts are intended to 1) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features; and 2) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.

Furthermore, the proposal should be compatible with adopted plans. The Plan Commission shall consider and give decisive weight to any relevant facts, including but not limited to impacts on normal and orderly development, efforts to relocate the existing buildings, and the limits that the location of the buildings would place on efforts to relocate them. The Plan Commission shall also consider any reports from the Landmark Commission and Historic Preservation Planner when determining whether the demolition standards are met.

The Planning Division believes the proposed future use is consistent with the [Comprehensive Plan](#) (2018). While the Plan recommends low residential (LR) land uses for the subject sites, it also includes *parks and recreational facilities* on the list of nonresidential uses, which may also be located within residential categories.

Staff also believes it to be consistent with the [Milwaukee Street Special Area Plan](#) (2018), which identifies the subject parcels for the expansion of the adjacent, O.B. Sherry Park. On Page 15, under the *Parks and Open Spaces* section of the *Future Land Use and Street Plan* chapter, it states:

The plan also includes the potential expansion of OB Sherry Park via acquisition of five residential properties on the Milwaukee Street between Leon Street and Fair Oaks Avenue. This would provide much improved visibility into, and awareness of OB Sherry Park with the intent of activating the park space. It's recommended the City pursue acquisition of these properties as owners elect to put them up for sale, rather than through an eminent domain process.

This plan will not program or design future park spaces, as that will occur at the time of development in a public process led by the Parks Division. However during public outreach efforts, the following open space features and characters were often discussed by participants. These should be considered when developing plans for future open spaces: Dog Park; Urban agriculture: community gardens, urban farm, CSA, orchard, farmers market, etc.; Natural/wooded areas; Paths/Trails for walking, biking and cross country skiing; Athletic fields; Water access: canoe/kayak launch, fishing area; Playgrounds or play equipment; Shelter with bathrooms; Place for events/concerts.

Regarding the buildings proposed for demolition, Staff note that at their December 8, 2020 meeting, the Landmarks Commission found that the buildings “had no known historic value.” The meeting notes for this item from the December 8, 2020 Landmarks Commission meeting can be found [here](#).

The Planning Division believes that the proposed demolitions can be found to meet the standards of approval for demolition permits. As noted above, staff believe the proposed future use of the parcels, a park, to be consistent with adopted plan recommendations. Staff also point out the fact that all three houses have walk-out basements, which is a design feature that makes any potential relocation incredible difficult, if not impossible. Furthermore, staff note the water and mold issues in the structure at 3457 Milwaukee Street.

At the time of report writing, Staff had not received any public comment regarding these proposals.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and **approve** the demolition permit request to raze the existing single-family residence at 3457 Milwaukee Street in order to facilitate the expansion of O.B. Sherry Park.

The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and **approve** the demolition permit request to raze the existing single-family residence at 3461 Milwaukee Street in order to facilitate the expansion of O.B. Sherry Park.

The Planning Division recommends that the Plan Commission find that the standards for demolition permits are met and **approve** the demolition permit request to raze the existing single-family residence at 3465 Milwaukee Street in order to facilitate the expansion of O.B. Sherry Park.

These recommendations are 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 (Main Office) (Contact Brenda Stanley, (608) 261-9127)

1. Obtain a Street Terrace permit for the proposed work (installation of the driveway apron, landscaping, etc.) This permit application is available and must be completed on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO 10.08)
2. Close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
3. 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))
4. Current plan shows less than 4,000 sf disturbed area. If plans are not revised, no Erosion Control or Storm Water Management Permits will be required.
5. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
6. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or troester@cityofmadison.com (West).
7. If grading properties, provide limits and approximate area of disturbance.

Engineering Division (Mapping) (Contact Jeffrey Quamme, (608) 266-4097)

8. Correct the demo plan drawing to show the third house as 3465. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

Traffic Engineering (Contact Sean Malloy, (608) 266-5987)

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 Jenny Kirchgatter, 266-4429)

10. 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 at streets@cityofmadison.com. 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.

11. Approval of the demolition permit will require the removal of all structures including the single-family residence, accessory buildings or structures, and driveway. The driveway apron shall be removed and replaced with curb and gutter as per City of Madison Engineering and Traffic Engineering requirements. Disturbed areas shall be graded and seeded or sod planted to minimize erosion.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

12. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Paul Ripp at pripp@cityofmadison.com or (608) 712-6277.

Forestry Division (Contact Brad Hofmann, (608) 267-4908)

The agency reviewed this request and has recommended no conditions of approval.

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

13. 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.

Parks Division (Kate Kane, (608) 261-9671)

The agency reviewed this request and has recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions of approval.