



# Report to the Plan Commission

May 24, 2010

**Legistar I.D. #18514**  
**105 Merrill Crest Dr**  
**Demolition Request**

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

**Requested Action:** Approval of the demolition of a single-family residential structure and replacement with greenspace on a church property in the R1 (Single-family Residence) District.

**Applicable Regulations & Standards:** Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission finds the project meets all applicable demolition standards and **approve** the proposed demolition.

## Background Information

**Applicant/Property Owner:** Mount Olive Lutheran Church; 110 N. Whitney Way; Madison

**Project Contact:** Monica Hodgson and Curt Casanova; 110 N. Whitney Way; Madison

**Proposal:** The applicant proposes the demolition of a small single-family residential structure to convert the property to greenspace for use by the adjacent church. The applicant intends to initiate demolition after all approvals are obtained, and is working with Madison Fire Department to provide training opportunities ranging from possible destructive activities prior to the demolition to a carefully controlled demolition by fire.

**Parcel Location:** 105 Merrill Crest Drive is located on the east side of Merrill Crest Drive, between Langlois Street and Regent Street; Aldermanic District 19 (Clear); Madison Metropolitan School District.

**Existing Conditions:** The 12,570 square foot lot has a small single-family residential structure constructed in 1920 that was once used by the church as office space, but has been vacant in recent years. The lot is immediately adjacent to and behind the Mount Olive church property at 110 N. Whitney Way, which includes the church and a surface parking lot with 86 stalls.

**Surrounding Land Use and Zoning:** The church property is surrounded by public streets on the west, north, and east sides, in an area generally comprised of single-family homes in the R1 (Single-family Residence) District. The structure proposed for demolition is adjacent to a house directly to the south, but is otherwise immediately surrounded by the existing church parking lot and the public street.

**Adopted Land Use Plan:** The Comprehensive Plan (2006) recommends Low-Density Residential uses for the area.

**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.

**Zoning Summary:** The property is in the R1 (Single-Family Residence) District.

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	12,350 sq. ft. (add to existing church lot = 82,185 sq. ft.)
Lot width	50'	65'
Front yard	30'	N/A
Side yards	6' /7' for 2 story	N/A
Rear yard	40'	N/A
Building height	2 stories or 35'	N/A

Site Design	Required	Proposed
No. Parking stalls	N/A	Existing/no change (See p. 5, Condition No. 15)
Accessible stalls	N/A	TBD (See p. 5, Condition Nos. 15 and 19)
Loading	N/A	TBD (See p. 5, Condition No. 15)
No. Bike Parking stalls	N/A	TBD (See p. 5, Condition No. 15)
Landscaping	N/A	(See p. 5, Condition Nos. 15 and 16)

**Other Critical Zoning Items**

Urban Design	No
Historic District	No
Landmark Building	No
Flood Plain	No
Utility Easements	Yes
Adjacent to park	No
Barrier free (ILHR 69)	Yes

*Prepared by: Pat Anderson, Zoning Administrator*

**Project Description**

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**Existing Conditions**

The 12,570 square foot parcel with the single-family house proposed for demolition is part of a larger 1.9-acre Mount Olive Church property. The 26,000 square foot church building sits on the eastern half of the property, with an 86-stall surface parking lot behind it to the west. The lot is accessed from Langlois Street to the north, and 13 of the existing parking stalls are in the rear yard of the parcel the house sits on.

The structure proposed for demolition, a small single-family home constructed in 1920, is currently vacant, and has no access driveway from Merrill Crest Drive. Photographs submitted show significant damage to ceilings within the structure, but many interior and exterior materials that appear to be salvageable. The Acting Preservation Planner has noted no historic issues with the demolition of the structure.

**Demolition and Site Plan**

As proposed, the house at 105 Merrill Crest would be demolished, the basement filled, and the area planted with grass to be used as additional greenspace for the church. Mount Olive Church and the Madison Fire Department have expressed interest in utilizing the structure for fire training purposes in summer 2010 as part of its demolition. MFD staff note that the building could be utilized for non-destructive and destructive training purposes *not* involving fire, and live fire training (see attached list of possible training types).

Aside from the demolition of the house and replacement with greenspace, there are no proposed changes to the church property, although the site as a whole will be required to demonstrate compliance with current parking lot, landscaping, and bicycle parking standards.

**Evaluation and Conclusion**

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**Demolition and Site Plan**

The removal of the vacant house from this location, and replacement with greenspace, does not have the detrimental impact on this block of Merrill Crest Drive as it might if it were located between two other similar structures. Since it is owned by the Mount Olive Church, and nearly half of the parcel it sits on is utilized for surface parking associated with the church, staff recommends that the two parcels be

combined into one lot prior to the issuance of a demolition permit. Staff from the Assessor's Office indicated that they would combine the lots in any case (see Condition No. 21).

The church property at 110 N. Whitney Way is an existing conditional use for a structure exceeding 10,000 square feet in the R1 (Single-family Residence) District. Therefore, the approval of this demolition request and subsequent lot combination will also require a Minor Alteration to the Conditional Use, which can be reviewed and approved administratively.

### **Public Input**

Comments received on May 19 from the immediate neighbor to the south indicate support for the demolition, but concerns regarding potential impacts on her property from demolition by fire. (The house at 101 Merrill Crest is just over 30 feet from the structure proposed for demolition.) In the letter, the property owner requests that additional conditions be placed on the approval regarding notification of controlled burns, the financial responsibility of the church for damages to her property and any cleaning costs incurred, and a time limit of five days for the removal of any debris left after a final burn on the site.

Staff notes that the Madison Fire Department has not yet determined what types of training they would like to perform within the structure, and has not confirmed whether or not they will involve full demolition by fire. In any case, the ordinance requires that notice to all property owners within 1,000 feet of the property must be mailed by the applicant five days prior to a demolition by fire. Staff further believes that it is reasonable to ensure the expedient removal of debris caused by fire. However, the applicant may need more than five days to complete the removal of debris. Staff recommends as a condition of approval that removal of debris is completed within two weeks of the completion of any live fire training on the site.

Finally, staff recommends that no live fire training occur on the site on days when the wind is blowing toward the house immediately to the south. Additional comments have been requested from MFD staff to further explain precautions taken to address concerns of the neighbor, as well as the feasibility of adhering to Condition No. 3. These comments will be provided to the Plan Commission if received prior to the May 24 Plan Commission meeting. The Plan Commission may consider changes or additions to these conditions based on comments from MFD staff, public input, and input from the applicant.

Planning Division staff recommends that the Plan Commission find that the demolition standards 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

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

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

#### **Planning Division** (Contact Heather Stouder, 266-5874)

1. The applicant shall notify in writing all residents and property owners within 1,000 feet of the property at least five days before any live fire training by the Madison Fire Department.
2. In the case of live fire training on the site, whether in individual rooms or a complete destruction by fire, all debris will be removed from the site within two weeks of the completion of any live fire training on the site.
3. No live fire training will occur on days when the wind is blowing toward the adjacent home at 101 Merrill Crest Drive (southwardly, southeasterly, or southwesterly direction).

4. Prior to the issuance of a demolition permit, the parcel at 105 Merrill Crest Drive shall be combined with the adjacent property at 110 North Whitney Way. This can be accomplished by calling the Assessor's Office at 266-4531.

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

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

5. If the disturbed area exceeds 4000 sq. ft., an erosion control permit shall be required. The Applicant shall then be 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.
6. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
7. 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)
8. Prior to approval of the demolition 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. The applicant shall indicate the type of City approved bicycle racks to be installed and locations. The bike rack should be located by the entrances to the building (Contact Bob Arseneau, Traffic Engineer at 266-4761 if you have questions regarding the above item).
10. When the applicant submits final plans of one contiguous plan for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, showing all easements, all pavement markings, building placement, and stalls, adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'.
11. A "Stop" sign shall be installed at a height of seven (7) feet at the driveway approach. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
12. The intersection shall be so designed so as not to violate the City's sight-triangle preservation requirement which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
13. The applicant shall design the surface parking areas for stalls and backing up according to Figure II of the ordinance using the 9 ft width, 18 ft in length and 24 ft drive aisle according to MGO parking design standards.

14. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

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

15. The submitted site plan does not match the plan on file in the zoning office. New site and landscaping plans reflecting the desired (and code compliant) parking lot and landscaping configuration must be submitted and approved before a demolition permit may be issued.
16. The required landscape plan must be stamped by a registered landscape architect. The landscape plan shall provide detail as required by MGO Section 28.04(12). Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances.
17. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Mr. George Dreckmann (267-2626, [gdreckmann@cityofmadison.com](mailto:gdreckmann@cityofmadison.com) ), prior to a demolition permit being issued.
18. MGO Section 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.
19. Accessible parking must meet ADA parking requirements for size, design, and signage.

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

20. The Madison Water Utility shall be notified to remove the water meter prior to demolition. 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.

**Fire Department** (Contact Scott Strassburg, 261-9843)

21. MFD Supports this demolition request, and requests that fire lanes are included on final site plans submitted for staff review and approval.

**Assessor's Office** (Contact Maureen Richards, 266-4845)

22. Since there is parking on parcel 0709-191-0602-5, the Assessor's Office will be combining parcels 0709-191-0602-5 & 0709-191-0601-7. Since the parking spaces already exist on the parcel the green space will be considered buffer for exemption purposes.



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Planning Division Staff

### Site Plan Update

Attached for reference are site plans submitted Thursday, May 20, which show no changes to the proposal, but better illustrate site details on the church property as a whole.

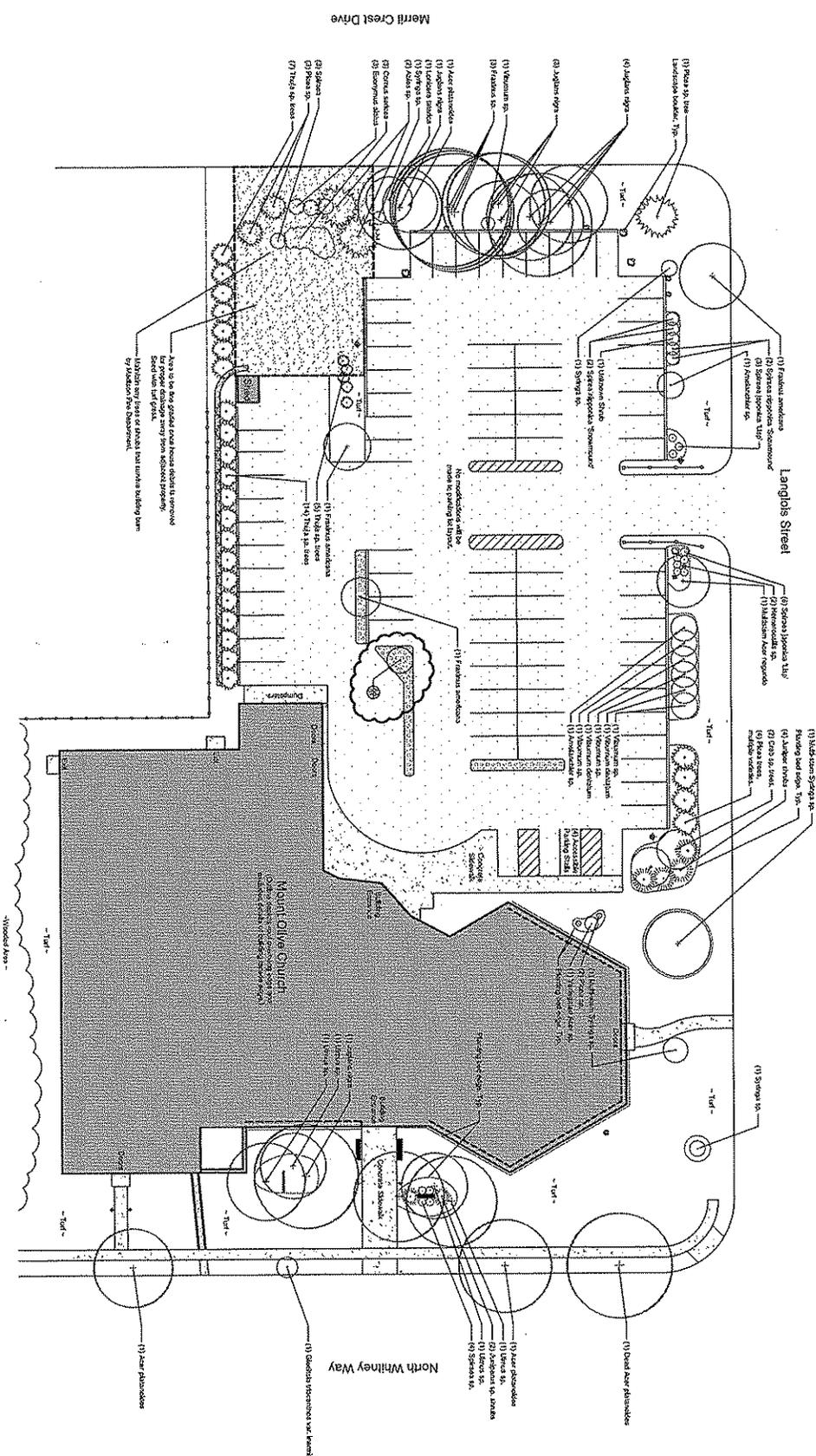
### Update Regarding Live Fire Training

On Thursday, May 20, Planning Division staff received written notification from Madison Fire Department (MFD) staff noting that they would forego live fire training at this address, in response to concerns from the adjacent property owner (see attached e-mail). MFD would still like to utilize the structure for non-fire training activities, which staff believes is acceptable. After receiving this communication, staff immediately notified the applicant that this addendum would be prepared to summarize the change.

Based on the understanding that live fire training will no longer be occurring on the site, staff notes that Condition Nos. 1, 2, and 3 in the staff report (see below) may be removed from the demolition approval. Staff recommends that the Plan Commission approve the project with all other conditions noted in the staff report.

### Conditions Recommended for Removal

- ~~1. The applicant shall notify in writing all residents and property owners within 1,000 feet of the property at least five days before any live fire training by the Madison Fire Department.~~
- ~~2. In the case of live fire training on the site, whether in individual rooms or a complete destruction by fire, all debris will be removed from the site within two weeks of the completion of any live fire training on the site.~~
- ~~3. No live fire training will occur on days when the wind is blowing toward the adjacent home at 101 Merrill Crest Drive (southwardly, southeasterly, or southwesterly direction).~~



**PLANT SCHEDULE**

SYMBOL	SCIENTIFIC NAME	COMMON NAME	TYPE	QUANTITY	SIZE
1A	Prunus serotina	Common Loquat	Tree	1	3.00'
1B	Acer glabrum	Smooth-leafed Maple	Tree	1	3.00'
1C	Prunus serotina	Common Loquat	Tree	1	3.00'
1D	Acer glabrum	Smooth-leafed Maple	Tree	1	3.00'
1E	Prunus serotina	Common Loquat	Tree	1	3.00'
1F	Acer glabrum	Smooth-leafed Maple	Tree	1	3.00'
1G	Prunus serotina	Common Loquat	Tree	1	3.00'
1H	Acer glabrum	Smooth-leafed Maple	Tree	1	3.00'
1I	Prunus serotina	Common Loquat	Tree	1	3.00'
1J	Acer glabrum	Smooth-leafed Maple	Tree	1	3.00'
1K	Prunus serotina	Common Loquat	Tree	1	3.00'
1L	Acer glabrum	Smooth-leafed Maple	Tree	1	3.00'
1M	Prunus serotina	Common Loquat	Tree	1	3.00'
1N	Acer glabrum	Smooth-leafed Maple	Tree	1	3.00'
1O	Prunus serotina	Common Loquat	Tree	1	3.00'
1P	Acer glabrum	Smooth-leafed Maple	Tree	1	3.00'
1Q	Prunus serotina	Common Loquat	Tree	1	3.00'
1R	Acer glabrum	Smooth-leafed Maple	Tree	1	3.00'
1S	Prunus serotina	Common Loquat	Tree	1	3.00'
1T	Acer glabrum	Smooth-leafed Maple	Tree	1	3.00'
1U	Prunus serotina	Common Loquat	Tree	1	3.00'
1V	Acer glabrum	Smooth-leafed Maple	Tree	1	3.00'
1W	Prunus serotina	Common Loquat	Tree	1	3.00'
1X	Acer glabrum	Smooth-leafed Maple	Tree	1	3.00'
1Y	Prunus serotina	Common Loquat	Tree	1	3.00'
1Z	Acer glabrum	Smooth-leafed Maple	Tree	1	3.00'

**NOTES**

1. Site dimensions are based on field measurements and may have inaccuracies.
2. Existing site plan is not a full property survey and does not include all site features or utilities. Field verifications should be conducted before any site work is done. Digging holes should be conducted before any excavation takes place. Call 811 or (608) 242-5371. Call (608) 500-5592 for Mount Olive Church topographical is the outermost edge of the building and does not include detailed facade layout and measurements.

Drawn by: Jonathan L. Benk  
 Date: 02.23.2016  
 City of Madison Project: 02.23.2016  
 JBenk Design  
 718.252.0204  
 jbenk@jbenk.com

1" = 20'-0"  
 L-3  
 3 of 3

# Mount Olive Lutheran Church

110 North Whitney Way Madison, WI. 53705

## Proposed Landscape Plan

## Stouder, Heather

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**From:** Reilly, Brendan  
**Sent:** Thursday, May 20, 2010 3:39 PM  
**To:** Stouder, Heather  
**Cc:** Tomko, Patrick; Schwenn, Ronald; Randall, Steven  
**Subject:** 105 Merrill Crest Drive

Dear Ms Stouder and the Planning Commission,

After reviewing Ms. Alioto's letter regarding the demolition by fire of 105 Merrill Crest Drive, the MFD training division has decided to honor Ms. Alioto's request and will not conduct live fire training. We would however, like to explore the option of using the property for non-fire, destructive training if this can be done while meeting the property owner's needs.

Sincerely,

Training Officer Brendan Reilly

[BReilly@cityofmadison.com](mailto:BReilly@cityofmadison.com)  
608-246-4589



