



Report to the Plan Commission

June 21, 2010

Legistar I.D. #18879

2405-2413 Cypress Way and 826-838 W Badger Road

Demolition Request

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of the demolition of seven multifamily apartment buildings on a site planned for senior housing in the R5 (General 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 can meet applicable demolition standards and **approve** the proposed request for demolition at 2405-2413 Cypress Way and 826-838 West Badger Road, subject to the recommended conditions and input provided at the public hearing.

Background Information

Applicant/Property Owner: City of Madison Community Development Authority; 215 Martin Luther King Jr. Blvd.; Madison

Project Contact: Dan Rolfs; 215 Martin Luther King Jr. Blvd.; Madison

Proposal: The applicant proposes the demolition of seven apartment buildings with a total of 38 units to prepare this property for near future construction of a senior housing project. The applicant intends to initiate demolition activities during summer 2010 to prepare the site for construction in fall 2010.

Parcel Location: The seven properties are located on the northeast corner of the intersection of Cypress Way and Badger Road, Aldermanic District 14 (Bruer); Madison Metropolitan School District.

Existing Conditions: The seven multifamily buildings were constructed between 1950 and 1962. Brick exteriors of the buildings appear to be in good to fair condition, although many of the interior rooms are in fair to poor condition.

Surrounding Land Use and Zoning:

North: Multifamily residential in the R4 and R5 (General Residence) Districts

East: Early Childhood Learning Center in the R4 (General Residence) District; City of Madison Police Department, offices, and Centro Hispano in the C2 (General Commercial) District

South: Across West Badger Road, a 10-unit multifamily residential building in the R5 District, a small school in the C1 (Limited Commercial) District, and City of Madison Fire Station in the C2 (General Commercial) District

West: Across Cypress Way in the R4 (General Residence) District, 4 and 8-unit multifamily buildings and the Cypress Spray Park.

Adopted Land Use Plan: The Comprehensive Plan (2006) and the South Madison Neighborhood Plan (2005) recommend Medium-Density residential uses for the site. The Burr Oaks Neighborhood Senior Housing Plan (2009) recommends demolition of the existing structures on the site and replacement with senior housing. This plan envisions approximately 100 total units in two phases, and a potential third phase with a senior center, day care, and assisted living opportunities.

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

Public Utilities and Services: The property is served by a full range of urban services, including multiple Metro Transit Routes and Police and Fire stations.

Zoning Summary: The property is in the R5 (Single-family Residence) District

Requirements	Required	Proposed
Lot Area	TBD	73,883 sq. ft. existing
Lot width	50'	Adequate
Usable open space	12,960 sq. ft.	TBD
Front yard	20'	TBD
Side yards	8' min. / 20' total both sides	TBD
Rear yard (Lake side)	30'	TBD
Floor area ratio	N/A	N/A
Building height	3 stories	TBD

Site Design

No. Parking stalls	TBD	TBD
Accessible stalls	TBD	TBD
Loading	TBD	TBD
Number bike parking stalls	TBD	TBD
Landscaping	Yes	TBD
Lighting	Yes	TBD

Other Critical Zoning Items

Urban Design	No
Flood Plain	No
Barrier free (ILHR 69)	Yes

Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Description

The City of Madison Community Development Authority (CDA) has proposed the demolition of seven unoccupied apartment buildings with a total of 38 residential units to prepare these properties for purchase and future development by a private entity as a multifamily senior housing project.

Existing Conditions

The seven properties comprise a 1.7-acre site with seven apartment buildings and accessory surface parking behind the buildings. A single access driveway off of Cypress Way serves 2405-2413 Cypress Way, and two access driveways off of West Badger Road serve the remaining four structures. The first story windows and doors of the buildings along Cypress Way are currently boarded up. As indicated in the Letter of Intent, all seven parcels and buildings were found to be blighted in both 2005 and 2008. The seven buildings, constructed between 1950 and 1962, have brick exteriors in fair to good condition, with some minor to moderate deficiencies to roofs, porches, doors, and windows. Building interiors are in various states of disrepair, but include some materials (flooring, woodwork, etc.) in good condition worth reclaiming for future use.

While the CDA owns all seven properties, the former owner of 838 W Badger Road has contested the right of the CDA to condemn this particular property. A legal decision on this issue is expected on July 9, 2010.

Demolition Plan

The CDA proposes to fully remove all seven buildings, access driveways, surface parking, and other paved areas from the site in early fall 2010 or otherwise immediately preceding the beginning of an approved senior housing development. If demolition is approved, City Engineering will initiate a public works bidding process for the removal of hazardous materials and the demolition activities.

WasteCap Wisconsin is under contract to compile the detailed reuse and recycling plan for the properties, which has been approved by the City's Recycling Coordinator. The overall goal of the plan (enclosed) is to ensure that 75% of the waste from the site be reused or recycled.

Prior to demolition, the Madison Fire Department intends to utilize the buildings for training purposes, ranging from activities causing no lasting damage to training involving full demolition by fire. Before any *fire-related* training activities can take place within a building, hazardous materials (asbestos and lead) must be removed from the buildings, and reusable materials will be reclaimed. Further, MFD must notify the District 14 Alder and all property owners and occupants within 1,000 feet of the site, at least five days prior to a demolition by fire.

Site Plan

While a conceptual site plan for a near-future senior housing project has been included for informational purposes, it is not a part of this review by the Plan Commission. The CDA has reached an agreement with Horizon Development, who will move forward to propose development of approximately 50 senior housing unit on the site, if the project is granted affordable housing tax credits from WHEDA (funding awards are scheduled to be announced on Friday, June 18, and results will be provided at the June 21 Plan Commission meeting).

If awarded WHEDA tax credits, this proposal would likely come before the Plan Commission in Summer 2010 as a conditional use request for a multifamily building in the R5 Zoning District. This would be reviewed based on the conditional use standards and for consistency with the adopted Burr Oaks Neighborhood Senior Housing Plan (2009). If, for any reason, the senior housing project does not move forward, the CDA has agreed to regrade and seed the entire site following removal of buildings, foundations, and all paved and asphalt areas, and would then proceed with the development of other plans to redevelop the site.

Evaluation

Demolition with no proposed use - While staff anticipates that the senior housing planned for the site will likely be formally proposed in the very near future, the demolition of the seven existing buildings is being requested prior to a proposed future use that can be reviewed by the Plan Commission. According to MGO Section 28.12(12)(c)2.a, the Plan Commission may approve a demolition proposal with no proposed future use based on evidence from the Fire Department, Police Department, or Building Inspection Division that the buildings should be removed. Based on a letter from the Madison Police Department supporting their demolition due to a high risk of their unlawful use (attached), Planning Division staff believes that the standards for approval of the demolition with no proposed future use can be met.

In the case that the Burr Oaks Senior Housing project does not move forward, the CDA has agreed to regrade and seed all seven properties. Planning Division staff recommends that a deed restriction be prepared and placed on the properties to ensure that any future development proposals be reviewed by the Plan Commission under the conditional use standards.

MFD training activities – The seven buildings offer a prime opportunity for the 2010 MFD recruits to experience a variety of training activities ranging from non-destructive to destructive training activities involving full demolition by fire. Beyond the notification requirements, special precautions should be taken to coordinate carefully with the daycare facility to the north and nearby Lincoln School, to make sure that fire-related training activities occur within a safe distance from these facilities during their programming, and on days with low winds.

Conclusion

After careful review, the Planning Division believes that the demolition standards can be met with this proposal, and recommends that the Plan Commission **approve** the demolition request subject to input at the public hearing and comments 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 conditional use 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. No demolition on the properties shall take place prior to a legal decision confirming that the CDA had the right to condemn property at 838 West Badger Road.
2. A deed restriction on these seven properties shall be prepared by the applicant and recorded to ensure that any proposed future development shall be reviewed by the Plan Commission under the conditional use standards in MGO Section 28.12(11)(g).
3. MFD shall meet all requirements in MGO 28.12(12)(g) regarding demolition by fire, and shall coordinate closely with nearby school and daycare facilities regarding the timing of fire-related training activities.

The following conditions have been submitted by reviewing agencies:

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

4. Any sidewalk, curb, or pavement damaged as part of the demolition shall be at the expense of the developer and shall be restored in accordance with the Standard Specifications for Public Works and the City's pavement patching criteria.
5. The approval of this demolition does not include the approval of any future site improvements, changes to roadways, sidewalks, or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by the developer.
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. 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.
9. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.

As this site is greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural

Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement.

Information on this permit application is available on line at:

<http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>

10. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
 - a) Control 40% TSS (20 micron particle) off of new paved surfaces
 - b) 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 sign-off.

11. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
12. The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) All Underlying Lot lines or parcel lines if unplatted
 - g) Lot numbers or the words “unplatted”
 - h) Lot/Plat dimensions
 - i) Street names

All other levels (contours, elevations, etc) are not to be included with this file submittal.

13. Prior to approval of the demolition request, 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. This permit application is available online at <http://www.cityofmadison.com/engineering/permits.cfm>.

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

14. 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'.

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

NOTE: The following Traffic Engineering comments (Nos. 16 through 25) have been provided for informational purposes in review of the *conceptual* site plan submitted for the proposed future land use on the site. These should be taken into account for the preparation of development plans, but not for the demolition itself.

16. The applicant will need to modify driveway approaches according to MGO to ensure pedestrian safety. The Plan Commission should note the site is in walking distance to public school and waterpark.
17. The applicant shall modify the driveway approaches accordingly to MGO that a driveway approach shall be no less than 45 degrees. A 90 degree angle of approach is preferable on Class 3 approaches. The applicant will need to modify the approaches on West Badger Road, Cypress Way and Hughes Place. These modifications will be needed for public safety of bike, pedestrian and motor vehicles in the public right-of-way and ingressing/egressing the proposed drop offs.
18. The applicant will need to modify parking areas in the following proposed areas.
- a) The applicant will need to remove four 4 or more parking spaces on the West Badger Road westerly in Phases 1, and 2 to accommodate Phase 3 accessing the area of drop off. The applicant need to reduce conflicts and secure a one way operation from east to west allowing passages to load and unload on the building side where pedestrians do not have to cross the loading area. This approach should be reduced to 14 to 16 ft in width and post one-way exiting in the major two-way approach serving building on corner of Badger and Cypress Way.
 - b) The applicant will need to modify the most southerly Cypress Way approach according to MGO that no driveway approach shall be no less than 45 degrees. A 90 degree angle of approach is preferable on Class 3 approaches. This approach should be relocated northerly to be 90 degrees to Cypress Way.
 - c) The applicant will need to modify the Hughes Place approach to a one-way operation for drop off and angle parking from the westerly approach. The applicant should modify the west Hugh Place driveway approach to 90 degrees to the underground parking area with drive 90 degrees off to the drop off area.
19. The applicant shall show dimensions for the proposed parking stalls' items A, B, C, D, E, F, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned. The applicant will need to remove or modify the Hughes Place proposed parking space that no vehicle will back into the right-of-way public sidewalk or street.
20. The parking facility shall be modified to provide for adequate internal circulation for vehicles. The applicant will need to modify Phase 3 proposal to accommodate vehicle internal circulation.
21. A "Stop" shall be installed at a height of seven (7) feet at all approaches. 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.
22. 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.

23. The applicant shall design the surface or underground parking areas for stalls and backing up according to Figures II of the ordinance using the 9' or wider stall. Aisles, ramps, columns, offices or work areas are to be excluded from these rectangular areas, when designing underground parking areas.
24. The Developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
25. 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)

26. 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 (*Fulfilled*).
27. MGO Section 28.12(12) 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.
28. Remove asphalt driveway and apron and replace with curb and gutter. During demolition and prior to curb and gutter installation, concrete barriers shall be installed across the driveway to prevent the parking of vehicles. The lands where the demolitions occur shall be seeded with grass until approval for development is obtained and development is commenced.

Water Utility (Contact Dennis Cawley, 261-9243)

29. 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 Bill Sullivan, 261-9658)

30. MFD Supports the demolition of these seven buildings.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.