

**PLANNING DIVISION REPORT  
DEPARTMENT OF PLANNING AND COMMUNITY  
AND ECONOMIC DEVELOPMENT**

**October 28, 2008**

**RE: I.D. #12463, Demolition Permit – 902 Dempsey Road and 510 Cottage Grove Road**

1. Requested Action: Approval of a demolition permit for multiple buildings and structures on two parcels of land located at 902 Dempsey Road in the M2 General Manufacturing District, and at 510 Cottage Grove Road primarily in the M2 General Manufacturing District, with small portions of the parcel in the M1 Limited Manufacturing, and C3 Highway Commercial Districts.
2. Applicable Regulations: Section 28.12(12) provides the guidelines and regulations for the approval of demolition permits.
3. Report Prepared by: Michael Waidelich, Principal Planner and Heather Stouder, AICP, Planner

**GENERAL INFORMATION**

1. Applicant and Property Owner: Agrium U.S., Inc; 13131 Lake Fraser Drive SE; Calgary, Alberta, Canada; Darren Couture, Manager, Asset Recovery.
2. Development Schedule: The applicant wishes to begin demolition of buildings on the site when all approvals are received. The future use is undetermined at this time.
3. Parcel Locations: 902 Dempsey Road is an 8.3-acre parcel at the northwest corner of Dempsey Road and Cottage Grove Road. 510 Cottage Grove Road is a 3.5-acre parcel immediately to the west. Both parcels are part of a larger 26.6-acre site currently owned by Agrium U.S. Inc., and formerly owned and operated by Royster-Clark, Inc. Aldermanic District 15; Madison Metropolitan School District.
4. Existing Conditions: The site is currently occupied by vacant industrial buildings and other infrastructure associated with the Royster-Clark fertilizer plant which operated at this location until August 2006.
5. Proposed Use: No future re-use is specified at this time (see discussion in the Analysis, Evaluation, and Conclusion sections, below).
6. Surrounding Land Use and Zoning:
  - North: Across the Union Pacific railroad tracks, single family homes and the two-acre City of Madison Ontario Park in the R2 Single-Family Residence District.
  - South: Directly across Cottage Grove Road, three 4-unit multi-family buildings and two single-family homes in the R4 General Residence District, and a variety of commercial uses with C1 Limited Commercial District and C2 General Commercial District zoning. South of the Cottage Grove frontage are single-family homes zoned R1 Single-family Residence District.
  - East: Across Dempsey Road, a collection of commercial and light industrial uses including a KFC Restaurant, Badger Cab offices, vacant warehouses, and a ceiling tile manufacturing facility, zoned M1 Limited Manufacturing District.

West: A Madison Gas & Electric Substation zoned C3 Highway Commercial District lies directly to the west of the larger Royster-Clark site. West of the substation are single-family homes zoned R2 Single-Family Residence District, two-family homes zoned R3 Single and Two-Family Residence District, and a variety of small commercial buildings with C2 General Commercial District zoning.

7. Adopted Land Use Plan: The Comprehensive Plan identifies the site of the Royster-Clark fertilizer plant as an Industrial Use District, with a special map note on the site as follows:

*"If in the future, the current industrial use no longer operates on this site, alternative residential and mixed-use developments are recommended as more appropriate uses for the property than another industrial use. Redevelopment of the site should be consistent with a City-adopted neighborhood or special area plan which ensures that development on this site is coordinated with uses in the surrounding neighborhood."*

The Royster-Clark site is within a larger planning area for which a Special Area Plan is currently being prepared by City staff, working with neighborhood residents, businesses and property owners. This plan, which will be used to guide future redevelopment on the Royster-Clark site and portions of the adjacent business district, is expected to be completed in early 2009.

8. Environmental Corridor Status: These properties are not located within a mapped Environmental Corridor.
9. Public Utilities and Services: These properties are served by the full range of urban utilities and services.

### **STANDARDS FOR REVIEW**

This application is subject to the demolition standards of Section 28.12 (12). Specific standards found in Section 28.12 (12)(c) 2. state that applications for demolition or removal permits *with no proposed use* shall not be approved, unless the following standards are met:

- a. The Plan Commission finds that, based on evidence from the Madison Fire Department, Police Department, and/or Neighborhood Preservation and Inspection Division, a potential fire hazard, potential unlawful use of the property, potential public nuisance, or other public health and safety concern supports demolition or removal before a future use is proposed, or
- b. For a non-residential building, the Plan Commission finds that the use, bulk, and design requirements of the existing zoning district designation are adequate to ensure that development will conform to existing adopted City plans.

### **ANALYSIS**

- **Brief Site History.** The Royster-Clark property is a vacant industrial facility used from 1952 to August 2006 for production of granular agricultural fertilizer. The site consists of four parcels with a total area of approximately 26.6 acres. The main building, which was used for product blending, and most of the ancillary structures were constructed in the late 1940's. The two large bulk material storage domes were constructed in 1985.

Until 2006, the plant was operated by Royster-Clark, Incorporated, a national manufacturer and distributor of fertilizer products. In February of 2006, Royster-Clark, Incorporated was acquired by Agrium, Incorporated, a Canadian company with headquarters in Calgary, Alberta. Agrium determined that the Madison production plant is not needed for their operations, and manufacturing of fertilizer on the site ceased in August 2006.

Beginning in the early 1990's, the site has undergone a series of environmental remediation activities under the oversight of the Wisconsin Department of Natural Resources (DNR) and the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP). These include the remediation of contaminants from leaky underground storage tanks (LUST) in the southeastern portion of the site and the removal and replacement of soils with high concentrations of nitrates and other fertilizer ingredients from specific areas (see more information below).

- **Site Description.** The 26.6-acre Agrium property consists of four contiguous parcels, but the facilities to be demolished are located on only two of them, comprising 11.8 total acres. Currently, there are six buildings on the 902 Dempsey Road parcel and two buildings on the 510 Cottage Grove Road parcel.

The most significant structure on the site is the manufacturing building, also known as the "granulation building" and referred to as such throughout the remainder of this report. Constructed in the late 1940s, this steel and concrete structure covers 75,816 square feet, is 96 feet tall, and has a 125-foot smoke stack. Planning staff have not been inside any of the buildings, but understand that the principal feature of the granulation building is a 300-foot by 96-foot pit which is approximately 16 feet deep from the top of the loading dock, located four feet above grade. The pit is lined with wooden slats and has a concrete floor. The exterior of the building is clad with yellow metal siding.

Directly east of the granulation building across a rail spur is a smaller but similarly constructed "storage building" covering 22,052 square feet. The four other buildings on the parcel are relatively small, and include a 6,706 square-foot concrete block "shop building" in the north central portion of the parcel, a 4,845 square-foot one story wood-framed "office building" northeast of the warehouse, a 875 square-foot electrical building just west of the granulation building, and a 146 square-foot concrete building in the northwest corner of the parcel.

Two identical storage domes are located west of the granulation building on the 510 Cottage Grove Road parcel, across another rail spur. Constructed in 1985, these domes each cover 14,559 square feet and are 62 feet tall at their peaks. They are connected to the granulation building by an overhead conveyor apparatus formerly used to transport finished product to be stored in the domes and eventually loaded onto rail cars.

All the buildings on site are vacant, with the exception of the storage building, which has recently been utilized on a temporary basis by Habitat for Humanity Restore for overflow storage of reusable materials claimed from area deconstruction projects. Staff understands that Restore has begun to seek other storage options in anticipation of demolition.

Two rail spurs run from the main railroad tracks north of the Agrium property to the southern portion of the site on both sides of the granulation building. Other improvements on the site include a large propane tank located northwest of the granulation building, overhead conveyors linking the storage domes and the granulation building, and a canopy-covered scale between the

two domes. The collection of buildings is largely surrounded by asphalt and a large concrete surface parking lot located in the southeastern corner of the site, which has gated entrances from Cottage Grove Road to the south and Dempsey Road to the east. All but the westernmost part of the property, including the rail spurs and all the buildings, is enclosed by a chain link fence. As described below, this fence has not proven to be an effective barrier against trespassing.

- **Overview of Building Inspection Issues.** The City of Madison Building Inspection Division currently has seven open cases on the Agrium property. Four Official Notices, issued on May 13, 2008, and due on June 22, 2008, ordered that the perimeter fence be repaired on all four parcels and that buildings be secured against illegal entry on the two parcels with buildings. According to Building Inspection staff, there has been no apparent attempt to secure the fence. Some attempt has been made to secure the front and rear of the granulation building, but many other openings exist to allow illegal entry. Graffiti vandals and others obviously still have access to the property, and presumably they enter the granulation building at night and climb interior stairs to access the roof. Police have arrested trespassers on this property, and Building Inspection staff is concerned that someone will be injured climbing around on the buildings and other structures.

Two additional Official Notices, also issued on May 13, 2008, ordered that the exterior walls, windows and doors be repaired and painted by October 19, 2008. On the granulation building, the siding can be seen rippling in the wind. According to Building Inspection staff, there has been no apparent attempt to make any repairs. Pieces of siding have been seen lying next to the fence along the sidewalk, and there is a concern that pieces of siding, especially from the granulation building, could easily blow off the building and reach the street.

One Official Notice was issued on August 5, 2008 to remove graffiti from the granulation building by August 27, 2008. Two citations have been issued on this case and the graffiti has yet to be removed.

- **Overview of Contamination Issues.** Since August 1990, the Wisconsin Department of Natural Resources (DNR) has overseen an open case involving an area in the southeast portion of the Royster-Clark site where petroleum products were stored in underground tanks. Groundwater contaminants found on the site have included benzene, toluene, ethylbenzene and xylenes. In the early and mid-1990s, three underground storage tanks, soils contaminated by leakage from the tanks, and nearly 40,000 gallons of contaminated groundwater were removed from the site. Since the mid-1990s, a number of monitoring wells and several remediation systems have been installed.

Project closure requests were made by environmental consulting firms contracted by Royster-Clark in 2000, 2002 and 2004. In each instance, the DNR South Central Region Closure Committee denied these requests, stating that additional site work was necessary in order to meet statutory requirements for site closure.

On several other portions of the site where fertilizer production activities occurred, the resultant spillage of agricultural chemicals and fertilizer ingredients prompted a second case, opened in 2002. With regulatory oversight by the Department of Agriculture, Trade, and Consumer Protection (DATCP), over 8,000 tons of soil were excavated between 2003 and 2005 from areas with high concentrations of nitrogen, and six monitoring wells were distributed throughout the site.

In late 2006, Agrium, Inc. initiated a Voluntary Party Liability Exemption (VPLE) process with the DNR. The VPLE process involves a two-phased environmental assessment of the entire property and a voluntary remediation plan, all of which must be approved by the DNR and DATCP. Once the environmental assessment and implementation of the approved remediation plan are completed, a Certificate of Completion may be issued to the landowner. When this Certificate is issued, the State of Wisconsin assumes liability for any future environmental remediation on the site. In 2007, BT2, a Madison-based environmental consulting firm, completed the Phase 1 and Phase 2 Environmental Assessment on behalf of Agrium, Inc., but have not yet submitted a remediation plan to the Wisconsin Department of Natural Resources.

- **Proposed Demolition Procedure.** Essentially, the applicant is proposing to complete the first phase of a two-phase demolition procedure. In order to reduce safety concerns and discourage illegal access to the site, the applicant is requesting a demolition permit to remove most of the upper portions of all existing buildings; but would leave other infrastructure, including most above-grade concrete foundations, concrete floor slabs, and the large below-grade pit, on site. Other surface features, such as most of the asphalt paving around the buildings, the parking lot paving, and the two rail spurs would also remain until such time as a redevelopment plan for the site has been completed.

As proposed in the demolition permit application, concrete slabs four feet above grade would remain on the site at the location of the storage building, the shop building, and portions of the granulation building. The office building and domes would be removed down to their at-grade foundations, and the 8-foot concrete walls surrounding the domes would be demolished and utilized as fill on the site. The demolition of the granulation facility would expose the 28,800 square-foot, 12-foot below-grade pit that comprises much of the interior of the building. The concrete bottom of the pit would be cracked to allow for water drainage, and a protective fence with barbed wire would be built to enclose it.

In the letter of intent, the applicant suggests that the second phase to complete the demolition and remediate the site would likely be taken by a subsequent property owner as part of the site redevelopment process.

## **EVALUATION**

The proposed partial demolition of only the upper portions of buildings and other structures on the site is a complex request that requires careful consideration by the Plan Commission. While in their existing condition, the buildings are undoubtedly a blighting influence on the surrounding area, there are also immediate safety concerns, environmental concerns, and the potential effect of demolition on both short- and long-term goals for future redevelopment of the site to weigh.

- **Immediate Safety Issues.** The buildings on the former Royster-Clark site are an eyesore and an attractive nuisance, and must be repaired and secured if they are not demolished. Although opinions differ on the near-term importance of removing the blighting effect of the buildings, there is general recognition that their removal would address many of the immediate safety concerns on the site. While the applicant is liable for accidents that may occur on the site, and must in any case make required improvements to properly secure the site and prevent unauthorized entry, staff understands that the removal of the buildings in the near future would be a more cost-effective approach to reducing the potential safety hazard than making the expensive repairs to the granulation building that would be necessary if it were to remain.

- **Environmental Concerns Related to Demolition.** The proposed demolition request includes an outline indicating what would be demolished and what would remain on site, but the applicant has not specified the actual demolition procedures, which raises significant questions about the potential environmental effects of demolition that will require additional information to evaluate. Specifically, an October 7, 2008 letter from the Wisconsin Department of Agriculture, Trade and Consumer Protection notes a concern regarding the potential for broader and deeper soil contamination due to the percolation of water through nitrate-contaminated soils exacerbated by cracks in floors and foundations of buildings exposed to precipitation. [It should be emphasized that the concern with potential groundwater contamination on this site is not primarily related to drinking water, as there are no public wells near the site. The concern is that increased levels of nitrates migrating into the groundwater would eventually reach Lake Monona and contribute to further eutrophication.] Although the soil borings that would verify this have not been conducted, it is considered likely that, if concentrated nitrates from years of operation exist under the buildings, they are presently constrained to relatively shallow soils. If that were the case, it would be much less expensive to perform the necessary tests and remove contaminated soils as needed now, rather than to allow the infiltration of water through newly exposed floors to carry pollutants deeper toward the groundwater plume.

Potential localized air quality effects resulting from the demolition procedure itself also need to be addressed. The Wisconsin Department of Natural Resources staff has expressed concern about possible presence of asbestos, lead-based paints, or fertilizer residues within the buildings that could be released to the air during and shortly after the demolition. If this demolition proceeds, the applicant and the demolition contractor should carefully review the DNR regulations related to asbestos referenced in the comments from the DNR included in the Plan Commission packet. Further, the Plan Commission may wish to require that a more thorough evaluation and demolition plan addressing air quality issues be submitted prior to the issuance of the permit for review by DNR staff.

While Planning Division staff do not have the expertise to recommend a *particular* set of technical solutions at this time to ensure that environmental contamination is not exacerbated by the proposed demolition, staff do recommend that a more detailed demolition plan be prepared for review and approval by relevant State and local agencies prior to issuance of the demolition permit.

- **Future Land Use Concerns.** The future use of the former Royster-Clark site is of significant interest to neighbors, City staff and many others. The property has long been recognized as having great potential as one of few large urban redevelopment opportunities remaining in the City of Madison. The site is adjacent to desirable and stable residential neighborhoods and is conveniently located near public parks, schools, a library, a regional bicycle path and a variety of neighborhood-serving businesses and community institutions. In the event that the industrial use on the site ceases (as it has), the Madison Comprehensive Plan recommends residential or mixed-use redevelopment, subject to the specific recommendations in a more detailed neighborhood or special area plan. As described above in the General Information section, a planning process is currently underway to develop a plan for this site and portions of the surrounding business district. Because the existing M2, M1, and C3 zoning of the site would allow a wide range of uses inconsistent with the redevelopment recommendations in the

Comprehensive Plan (and, in fact, would not allow many of the recommended uses on much of the site), there would be a significant risk in approving a full demolition without a proposed future use and associated rezoning request for redevelopment consistent with adopted plans. One way to ensure adequate public review of a future land use proposal for the site is for the Plan Commission to approve the presently-requested partial demolition with the condition that a second demolition permit will be required to complete the demolition, either by this property owner or a future property owner. If approved with this condition, the subsequent Plan Commission review of the second permit against the standards for demolition permit approval would ensure that the proposed future would be consistent with adopted City plans---either by reviewing a specific redevelopment proposal at that time, or by placing appropriate zoning or other regulations on the property in the event that a specific redevelopment is not proposed.

Planning Division staff agrees with the applicant's assessment that the at-grade and below-grade aspects of demolition might be better accomplished in conjunction with a complete site remediation strategy coordinated with an adopted redevelopment plan for the site. For example, much of the material from building foundations and the surface parking lot, if sufficiently clean, might be able to be utilized as aggregate material under future roadways. Further, since infiltration of water through soils contaminated by fertilizer ingredients is the main environmental concern on portions of the property, localized remediation strategies should be coordinated closely with planned future land uses and site design. Although removal and replacement of contaminated soil is the preferred option, in some cases, it might be acceptable and more cost-efficient to remove and replace soils from areas to be redeveloped with residential uses, greenspace, or stormwater infiltration, while "capping" selected limited areas that will be redeveloped with commercial or employment buildings, parking lots, or other impervious surfaces.

That said, staff also believes that the *most* efficient process overall probably would be a full demolition and complete site remediation carried out a one time consistent with a planned redevelopment of the site. The applicant states that the buildings themselves pose a significant barrier to the sale of the property, and that their removal is likely to expedite the sale and redevelopment process. Staff has no clear basis for evaluating whether or not this is actually the case. Presumably, a portion of the cost of building demolition could be offset by the sale of steel and other salvageable materials from the site, and other materials, such as clean concrete, might be reused as part of site preparation for redevelopment. This might lead at least some buyers to prefer to do the demolition themselves. But without knowing the specifics of these potential costs and benefits, it is difficult to estimate whether the site would be more attractive to prospective purchasers/developers with the buildings removed or with them present.

Finally, some have expressed a concern that removing the buildings may also reduce the sense of urgency to sell the property, fully demolish the facilities, and remediate the site for future development. While Agrium's holding costs and potential liability might be reduced as least to some extent by the proposed partial demolition, staff have no basis for assuming that this would necessarily reduce their interest in selling the property at an early opportunity, although it is at least a plausible argument.

## CONCLUSION

There is no question that there would be benefits from the removal of these vacant and obsolete industrial structures. The buildings are badly deteriorated, and the large abandoned plant is an eyesore and a blighting influence on the surrounding area. The buildings are also a safety hazard. The site is not secure, and trespass and vandalism, primarily in the form of graffiti and "tagging," are frequent occurrences. Sections of the sheet metal siding have blown off the building in the recent past, and this remains a concern since it creates an additional risk of property damage or personal injury. The City of Madison Building Inspection Division has multiple outstanding notices on the property to address site and building security as well as cosmetic appearance concerns. Compliance with these orders presumably would require a significant expenditure on an aging manufacturing facility which is unneeded by the current owners, and inconsistent with longer-term recommendations for the site included in adopted City plans. Since the buildings will eventually be removed in any case, it is not unreasonable to do so sooner rather than later to reduce the potential hazards on the site and avoid the expense of fixing up buildings that will only be torn down later.

On the other hand, there are at least three areas of concern with the proposed demolition that also need to be considered: 1) no specific redevelopment plan has been proposed for the site, and the current M2, M1 and C3 District zoning provides no assurance that the site will be redeveloped with uses consistent with adopted City plans and community preferences as expressed during the present planning process; 2) the site is contaminated, and unless adequate measures are taken prior to, during, and after the demolition, removal of the existing structures could potentially pose added risk to groundwater resources; and 3) there is at least the possibility that with the buildings removed and, therefore, the potential liability and continuing costs of maintaining the old plant compliant with City standards greatly reduced, Agrium might feel less urgency to complete the site remediation and sell the property to a prospective developer---particularly in the current, relatively-weak market.

Planning Division staff appreciate these concerns, but think they can be substantially addressed by placing appropriate conditions of approval on the demolition request.

- **No Redevelopment Plan.** The site is zoned M2, M1 and C3, and, in theory, it could be redeveloped with a fairly wide range of potential uses without the need for Plan Commission or Common Council approval. Presently, however, the City does have review authority through the demolition permitting process, which requires that the Plan Commission approve the proposed future use for redevelopment of the site; or if there is no proposed use, that the Plan Commission either find that a potential fire hazard, unlawful use, public nuisance, or other public health and safety concern supports demolition or removal before a future use is proposed, or that adequate zoning or other regulations are in place that would ensure that any redevelopment will be consistent with City plans.

The present request is only for partial demolitions of the upper, generally above-grade, portions of the structures and the site could not be redeveloped (or fully remediated) without removing the remaining building foundations, paved areas, railroad spurs, and other infrastructure. Staff believe that a condition of approval requiring a second, separate demolition permit application in order to complete the demolition would retain the current level of review authority. At the time that the second demolition permit is requested, it will be reviewed against the standards provided in Section 28.12(12), and either an acceptable redevelopment plan and proposed future use must be concurrently approved, and/or zoning or other regulations applicable to the property



must be in place that would allow only the types of uses recommended for the site, rather than the former heavy manufacturing use. The Special Area Plan currently being developed will provide a basis for rezoning the property to zoning districts compatible with the recommended future uses.

- **Contamination Issues.** The primary potential contamination concern related to the proposed demolition is the potential that, if the roofs of the buildings are removed, contaminants (presumed to be principally nitrates) present under portions of the building floors could be carried deeper into the soil toward the groundwater by rainfall and melting snow, since the floors would now be exposed to the weather. This is an important concern, but Planning Division staff believe that there are several ways that this potential contamination could be prevented. A recommended condition of approval is that no demolition permits be issued until both City and appropriate State of Wisconsin agencies have approved a detailed plan that describes the measures that will be taken to ensure that there will be no increased potential for groundwater or other contamination as a result of the demolition.
- **Reduced Incentive to Pursue Sale or Redevelopment.** This concern is more difficult to address. Presumably, Agrium would like to divest this property, which is surplus to their overall or local business needs. However, it is not unreasonable to wonder if their interest in doing so quickly might be lessened if their holding costs and potential liabilities on the site were reduced. The City would like to see this site begin to be redeveloped with appropriate uses soon, and not remain vacant for an extended period. Staff note, however, that the site could continue to sit vacant whether or not the buildings were removed, although as noted in this report, Agrium would incur significant additional costs to bring the buildings up to code if they remain.

In a typical situation, it might be at least arguable that with the buildings removed, the site would be more attractive to potential redevelopers. In this case, however, only the upper portions of the buildings will be removed, leaving additional demolition of foundations, surface paving, and other infrastructure to a later date. This could potentially add to the eventual cost of demolition, remediation and redevelopment compared to conducting these operations together, and have an opposite effect (see discussion in the Evaluation section).

Because the current approval is only for a partial demolition, one way to discourage letting the property sit vacant for too long might be to require that the demolition be completed if the property is not sold and/or an acceptable redevelopment is not approved by a certain date. Completion of the remediation might also be required at that time. While this would not guarantee that the property would be redeveloped more quickly, the additional costs of completing the demolition and cleaning the site without a prospective purchaser/developer or development proposal would at least provide another disincentive to holding it indefinitely. As noted in the Evaluation section, however, there are benefits and efficiencies to planning and conducting the remediation in conjunction with implementing a specific site redevelopment proposal, and there may be other approaches that would not add this potential extra complication to the redevelopment process.

Provided that the conditions of approval recommended above are placed on the proposed partial demolition to ensure that the City retains adequate review authority over future redevelopment of the property, that the potential for groundwater or other contamination is not increased as a result of the demolition, and that there is an effective disincentive to continue to hold the site in an

undeveloped state indefinitely, Planning Division staff believe that, on balance, the proposed demolition of the buildings on the site can be supported. Staff believe that the standards for approval of a demolition permit can be met, and in particular the standard in Section 28.12(12)(c)2.a. The concern for public safety and the continuing blighting influence of the dilapidated structures are major factors in reaching this conclusion.

### **RECOMMENDATION**

If, after considering the comments of reviewing agencies and other materials in the Plan Commission packet, and hearing the testimony at the public hearing, the Plan Commission concludes that the concerns expressed regarding the proposed partial demolition on the Royster-Clark site can be satisfactorily addressed, the Planning Division recommends that the Plan Commission find that the demolition standards can be met and **approve** requested partial demolition of the buildings and other above-grade structures located at 902 Dempsey Road and 510 Cottage Grove Road, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies
2. Final demolition site plans that clearly indicate existing and post-demolition conditions shall be submitted for Planning Division staff approval prior to the issuance of a demolition permit. These plans must reflect the intent to remove all elevated non-concrete structures not specified in the permit application that would create a potential safety hazard if they remain on the site. These structures include, but may not be limited to:
  - The large propane tank located near the main granulation building
  - The overhead conveyor apparatus located between the granulation building and the storage domes
3. Prior to the issuance of a demolition permit, the applicant shall prepare a detailed plan for review by Wisconsin Department of Natural Resources staff ensuring that the demolition process will meet all applicable air quality regulations and standards related to asbestos, lead paint, and fertilizer residues that may be present in the buildings. At least ten days prior to any demolition activity, the applicant shall submit to the Wisconsin DNR staff a Notification of Demolition and/or Renovation form (Form 4500-113). This form can be found at the following link: <http://dnr.wi.gov/air/compentf/asbestos/asbes8a.htm>
4. The applicant shall submit a specific work plan to address the concerns identified by the Wisconsin Department of Agriculture, Trade and Consumer Protection and the Wisconsin Department of Natural Resources regarding the potential percolation of water through potentially contaminated soils beneath the existing structures. The work plan shall include, but may not be limited to, one or more of the following approaches:
  - A. The applicant shall complete the soil borings and testing of soil beneath all building floors that will be exposed to the weather by the demolition as required to determine the exact location and extent of any contamination beneath the buildings. This is the preferred option, as it would make the future full remediation of the site more efficient, and would also address Wisconsin Department of Natural Resources requirements to investigate the potential for contamination beneath existing structures before the State would assume liability for the site.

- i. Prior to beginning the soil borings, the applicant must first submit a soil boring work plan and timeline for approval by Wisconsin Department of Natural Resources and Wisconsin Department of Agriculture, Trade and Consumer Protection staff.
  - ii. Where it is determined that no contamination (or an acceptable level of contamination) exists beneath the building, those floors may be left unprotected from the weather following the demolition of the building.
  - iii. For buildings beneath which unacceptable levels of contamination are found in the soils, the applicant shall, with the approval of the Wisconsin Department of Agriculture, Trade and Consumer Protection and Wisconsin Department of Natural Resources, either:
    - a. Remove all, or necessary portions of, the concrete building floors and all contaminated soil from the building site, fill the area with clean soil, and seed the area. This is the preferred option. Or
    - b. The applicant shall identify and effectively seal all cracks and fissures in concrete building floors through which rain water or melting snow could enter the soil beneath the building to ensure that infiltration cannot occur.
- B. If the location and extent of soil contamination under existing buildings remains unknown, the applicant shall identify and effectively seal all cracks and fissures in the concrete building floors of all buildings to be demolished beneath which any extent of soil contamination is either known to exist or reasonably-suspected based on available information.
- C. The applicant may propose an acceptable alternative strategy to eliminate the potential that water may percolate through building floors and carry contaminants present in the soil beneath deeper toward the groundwater.

The work plan shall include a specific schedule to ensure that there will be a minimum time lag during which building floors will be exposed to the weather, but effective steps as described above to prevent water infiltration have not been implemented. If partial demolition is required in order to provide access to building interiors for soil boring equipment, it is recommended that this demolition not include portions of the roof to the extent feasible.

The work plan shall be approved by staff of the City Planning Division and Building Inspection Division, the Wisconsin Department of Agriculture, Trade and Consumer Protection, and the Wisconsin Department of Natural Resources prior to the issuance of a demolition permit.

5. Regardless of the approaches selected to meet Condition No. 4 as applied to the other building floors, soil conditions beneath the large below-grade pit in the main building shall be thoroughly tested to determine the extent of possible contamination. If there is soil contamination beneath or in near proximity to the pit, the proposed solution of cracking the concrete floor of the pit to allow water to drain out shall not be implemented; and in no case shall water be allowed to accumulate in the pit. The pit is an attractive nuisance that will become more accessible when the building is removed regardless of the intended additional fencing, and staff consider the removal of the pit structure entirely, removal of any

contaminated soils, and filling the hole to be the best approach. Alternatively, the applicant shall provide another solution that prevents unauthorized access to the pit, prevents water from accumulating in the pit, and prevents water from percolating through the floor of the pit into any soils that have not been determined to be free of unacceptable contamination. The plan for dealing with the pit shall also be approved by staff of the City Planning Division and Building Inspection Division, the Wisconsin Department of Agriculture, Trade and Consumer Protection, and the Wisconsin Department of Natural Resources prior to issuance of a demolition permit.

6. A Reuse and Recycling Plan shall be reviewed by Planning Division staff and approved by the City of Madison Recycling Coordinator prior to the issuance of a demolition permit.
7. If the plans as required in Condition Nos. 2, 4, 5, and 6 are not submitted within 90 days of Plan Commission approval of the demolition permit, or the demolition permit is not obtained within 120 days, or the requested partial demolition is not completed within 180 days of Plan Commission approval of the permit, this approval shall be null and void.
8. Outstanding notices from the City of Madison Building Inspection Division to repair and secure the existing fence around the property shall be completed and approved prior to issuance of a demolition permit, and before December 1, 2008 in any case. The repairs are intended both to secure the site and to present an attractive appearance by replacing or repairing loose or damaged fence components (fence fabric, posts, rails, gates, etc.). This fence shall be maintained in a sound and attractive condition until such time as the site is redeveloped and/or the demolition is completed and the site restored.
9. The applicant shall designate a local property manager for the site who will be responsible for maintaining the site and responding in a timely manner to complaints or citations regarding site conditions from City staff. This requirement is in response to difficulties with representatives of the current property owner ensuring timely response to day-to-day management issues when no one close to the site has authority to take the necessary actions.
10. A second demolition permit will be required at a future time for the removal of concrete building floors, foundations and other above-grade structures, surface parking lots and other pavement, the rail spurs, and other infrastructure remaining on the site after the present partial demolition. The second permit application will be reviewed for consistency with all the requirements of Section 28.12(12).
11. If an application for rezoning and/or subdivision approval to implement a redevelopment plan for the former Royster-Clark site has not been approved by the City of Madison within 24 months of the issuance of the first partial demolition permit, the applicant (or future property owner) shall obtain the necessary permits and remove all remaining building floors, foundations and other above-grade structures, surface parking lots and other pavement, the rail spurs and other infrastructure remaining on the site, and restore the site as required to adequately prevent erosion and maintain an attractive appearance until such time as redevelopment occurs. The second demolition permit application will be reviewed for consistency with all the requirements of Section 28.12(12).



Department of Public Works  
**City Engineering Division**

608 266 4751

Larry D. Nelson, P.E.  
City Engineer

City-County Building, Room 115  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703  
608 264 9275 FAX  
1 866 704 2315 Textnet

**Deputy City Engineer**  
Robert F. Phillips, P.E.

**Principal Engineers**  
Michael R. Dalley, P.E.  
Christina M. Bachmann, P.E.  
John S. Fahrney, P.E.  
Gregory T. Fries, P.E.

**Facilities & Sustainability**  
Jeanne E. Hoffman, Manager  
James C. Whitney, A.I.A.

**Operations Manager**  
Kathleen M. Cryan

**Hydrogeologist**  
Joseph L. DeMorett, P.G.

**GIS Manager**  
David A. Davis, R.L.S.

**Financial Officer**  
Steven B. Danner-Rivers

DATE: October 20, 2008  
TO: Plan Commission  
FROM: Larry D. Nelson, P.E., City Engineer  
SUBJECT: 902 Dempsey Road Demolition

The City Engineering Division has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Engineering Mapping will need a final plan (CAD file preferred to [Lzenchenko@cityofmadison.com](mailto:Lzenchenko@cityofmadison.com)) to determine the resultant site topographic conditions relative to remaining impervious building floors/walls and final approved site condition requirements necessary for final site storm water utility billing calculations.
2. Private storm connections shall be plugged at the public main prior to the start of the demolition.
3. Storm sewer (public) along the east must be protected physically and with erosion control during construction.
4. Revise/amend Alta survey to show all existing utilities prior to demolition. Locate and identify all storm and sanitary facilities.

**GENERAL OR STANDARD REVIEW COMMENTS**

In addition, we offer the following General or Standard Review Comments:

**Engineering Division Review of Planned Community Developments, Planned Unit Developments and Conditional Use Applications.**

Name: 902 Dempsey Road Demolition

**General**

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.

- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking lots, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 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.
- 1.6 Submit a PDF of all floor plans to Lori Zenchenko [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
- 1.7 The site plan shall include a full and complete legal description of the site or property being subjected to this application.
- 1.8 The Developer is required to pay Impact Fees for this development. The Developer shall indicate the method of payment as provided below:
  - 1) Impact Fees shall be paid in full prior to Engineering sign-off of the plat/csm.
  - 2) The Developer has elected to defer the payments until such time as the building permits are applied for, in which case the owner(s) shall receive the invoices to pay the outstanding impact fees at the time of permit issuance. The following shall be required prior to plat sign off;
    - a) The Developer shall supply an Excel spreadsheet with lot numbers, lot areas, and number of dwelling units per lot. The Developer shall supply a CADD file of the proposed FINAL plat, in a format compatible with Microstation J. This information shall be required to calculate the Impact Fees, which will then be recorded at the Register of Deeds against each lot in the subdivision.
    - b) All information shall be transmitted to Janet Dailey by e-mail at [jdailey@cityofmadison.com](mailto:jdailey@cityofmadison.com), or on a CD to:
 

Janet Dailey  
City of Madison Engineering Division  
210 Martin Luther King Jr. Blvd  
Room 115  
Madison, WI 53703
    - c) A minimum of three (3) weeks shall be required for staff to calculate the Impact Fees and record the documents prior to plat sign-off.

The Developer shall put the following note on the face of the plat:

**LOTS / BUILDINGS WITHIN THIS SUBDIVISION / DEVELOPMENT ARE SUBJECT TO IMPACT FEES THAT ARE DUE AND PAYABLE AT THE TIME BUILDING PERMIT(S) ARE ISSUED.**

**Right of Way / Easements**

- 2.1 The Applicant shall Dedicate a \_\_\_\_\_ foot wide strip of Right of Way along \_\_\_\_\_.
- 2.2 The Applicant shall Dedicate a \_\_\_\_\_ foot wide strip of Right of Way along \_\_\_\_\_.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping \_\_\_\_\_ feet wide along \_\_\_\_\_.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement \_\_\_\_\_ feet wide from \_\_\_\_\_ to \_\_\_\_\_.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from \_\_\_\_\_ to \_\_\_\_\_.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.
- 2.8 The Public Sanitary Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

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- a. The property owner reserves the right to use and occupy the Public Sanitary Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sanitary sewer facilities.
- b. No above-ground improvements shall be located in the Public Sanitary Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public sanitary sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Sanitary Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Sanitary Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.
- e. The Public Sanitary Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

2.9 The Public Sidewalk Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

- a. The property owner reserves the right to use and occupy the Public Sidewalk Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public sidewalk improvements.
- b. No above-ground improvements will be allowed in the Public Sidewalk Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Sidewalk Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Sidewalk Easement Area(s) without the prior written approval of the City's Engineering Division.
- e. The Public Sidewalk Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

2.10 The Public Storm Sewer Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

- a. The property owner reserves the right to use and occupy the Public Storm Sewer Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public storm sewer facilities.
- b. No above-ground improvements shall be located in the Public Storm Sewer Easement Area(s) by the City or the property owner, with the exception that grates, sewer access structure (SAS) covers, and other access points to the public storm sewer facilities shall be permitted at grade level. (Optional: and with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Storm Sewer Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Storm Sewer Easement Area(s) without the prior written approval of the City's Engineering Division.  
The Public Storm Sewer Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

2.11 The Public Water Main Easement(s) dedicated to the City of Madison ("City") on the face of this Certified Survey Map or Subdivision Plat is/are subject to the following conditions:

- a. The property owner reserves the right to use and occupy the Public Water Main Easement Area(s) in a manner consistent with the rights herein conveyed, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the public water main facilities.
- b. No above-ground improvements will be allowed in the Public Water Main Easement Area(s) by the property owner. (Optional: with the exception that pavement and/or concrete for driveway purposes shall be permitted.)
- c. Plantings and landscaping within the Public Water Main Easement Area(s) shall not obstruct routine maintenance by the City. In the event of repair or reconstruction, plantings and landscaping may be removed by the City without replacement or compensation to the property owner.
- d. The property owner shall not change the grade of the Public Water Main Easement Area(s) without the prior written approval of the City's Engineering Division.
- e. The Public Water Main Easement(s) may not be amended, modified, terminated, or released without the written consent of all the parties hereto, or their respective successors-in-interest.

#### Streets and Sidewalks

3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] \_\_\_\_\_ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.

3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along \_\_\_\_\_.

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- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install sidewalk along \_\_\_\_\_. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] \_\_\_\_\_ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along \_\_\_\_\_ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
- 3.8 The Applicant shall make improvements to \_\_\_\_\_ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) \_\_\_\_\_.
- 3.9 The Applicant shall make improvements to \_\_\_\_\_. The improvements shall consist of \_\_\_\_\_.
- 3.10 The approval of this Conditional Use does not include the approval of the 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 developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- 3.12 The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.
- 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.
- 3.18. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl, of the City Parks Department - [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816.

#### Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to



identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.

- 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
- 4.4 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.5 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.
- 4.6 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
- 4.7 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.8 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.9 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
  - Detain the 2 & 10-year storm events.
  - Detain the 2, 10, & 100-year storm events.
  - Control 40% TSS (20 micron particle) off of new paved surfaces
  - Control 80% TSS (5 micron particle) off of new paved surfaces
  - Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances
  - Provide substantial thermal control.
  - Provide oil & grease control from the first 1/2" of runoff from parking areas.
  - 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 Chapter 37 of the Madison General Ordinances.

Stormwater management plans shall be submitted and approved by City Engineering prior to sign-off.

- 4.10 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.
- 4.11 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.12 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.

NOTE: Email file transmissions preferred [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file.

- 4.13 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project

shall comply with NR-151 in effect when work commences. Specifically, areas not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2008 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicate a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.14 The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set.

PDF submittals shall contain the following information:

- a) Building footprints.
- b) Internal walkway areas.
- c) Internal site parking areas.
- d) Lot lines and right-of-way lines.
- e) Street names.
- f) Stormwater Management Facilities.
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

- 4.15 The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:

- a) SLAMM DAT files.
- b) RECARGA files.
- c) TR-55/HYDROCAD/Etc...
- d) Sediment loading calculations

If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.

- 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

#### Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.

- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.

- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall be satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

#### Sanitary Sewer

- 6.1 Prior to approval of the conditional use 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. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.

- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.



## Traffic Engineering and Parking Divisions

David C. Dryer, P.E., City Traffic Engineer and Parking Manager

Suite 100  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2986  
Madison, Wisconsin 53701-2986  
PH 608 266 4761  
TTY 866-704-2315  
FAX 608 267 1158

October 23, 2008

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager

SUBJECT: **902 Dempsey Road – Demolish – Vacant Factory with No Proposed Use**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None

### PEDESTRIAN AND BICYCLE TRANSPORTATION REVIEW COMMENTS

2. None

### GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

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

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Daren Couture  
Fax: 403-225-7626  
Email: [dcouture@agrium.com](mailto:dcouture@agrium.com)

DCD: DJM: dm

**CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE**

**To:** Plan Commission **Date:** November 3, 2008  
**From:** Patrick Anderson, Assistant Zoning Administrator  
**Subject:** 902 Dempsey Road

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**Present Zoning District:** M2

**Proposed Use:** No proposed use at this time, foundations and impervious areas will remain until future demolition/redevelopment is proposed.

**Conditional Use:** 28.12(12) Demolition of a principal building requires Plan Commission Approval.

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project)

1. A future demolition approval will be required for the removal of the building foundations.

**GENERAL OR STANDARD REVIEW COMMENTS**

1. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permits being issued.
2. Access to the site shall be limited to one access point for maintenance vehicles only; please provide an operations plan for the functioning of this access.
3. Please revise the site plan to reflect the post-demolition condition, showing fencing, driveway closings, and physical barriers installed to prevent vehicles from accessing the site other than for maintenance duties.

**ZONING CRITERIA**

<b>Bulk Requirements</b>	<b>Required</b>	<b>Proposed</b>
Lot Area	6,000 sq. ft.	26.66 acres
Lot width	50'	Adequate

<b>Other Critical Zoning Items</b>	
Flood plain	No

With the above conditions, the proposed project **does** comply with all of the above requirements.



Department of Planning and Community & Economic Development  
**Building Inspection Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2984  
Madison, Wisconsin 53701-2984  
TTY/TEXTNET 866 704 2318  
FAX 608 266 6377  
PH 608 266 4551

**DATE:** October 29, 2008  
**TO:** Plan Commission  
**FROM:** Thomas Adamowicz, Housing Supervisor  
**SUBJECT:** Demolition Permit  
902 Dempsey Road and 510 Cottage Grove Road  
ID #12463

The Building Inspection Division agrees with the Planning Division report regarding the partial demolition of the Agrium buildings located at 902 Dempsey Road and 510 Cottage Grove Road. Building Inspection believes that the buildings should be removed.

In the last twenty-two months, the Building Inspection Division has had twenty-one code enforcement cases on the four parcels comprising this site. Thirteen of those cases dealt with issues like graffiti, building repairs or security (securing the buildings or repairing the fence). Seven of those cases remain open and are overdue. All buildings are in disrepair and have been hit repeatedly by graffiti vandals.

I visited the site again on October 29, 2008, and found that the granulation and the storage buildings have broken and open doors. The siding is rusted and loose and is missing in a number of areas. (In the past, siding had apparently blown off of the building and landed on the ground at the fence along the Cottage Grove Road sidewalk.) Graffiti vandals apparently enter the granulation building in darkness, climb interior stairs and walk out on roofs to paint graffiti on walls that are at least 70 feet above the ground.

Other buildings have broken or open doors, broken windows, boarded windows and are in general disrepair. Most of the buildings need paint. The whole site is an eyesore. The fence around the perimeter of the site is damaged or ineffective. Trespassers have worn a path through the high grass to crawl under the fence on the West side of the property

The buildings should be removed because:

- The buildings are hazardous. Loose pieces of siding present a hazard in high winds.
- The site is an attractive nuisance. More specifically, the buildings are a public nuisance as defined by Section 27.08(7)(a) of the Madison General Ordinances. The large open buildings attract trespassers to explore both the interiors and exteriors of these structures and to apply graffiti. The Building Inspection Division believes that it is only a matter of time before someone gets hurt at this site.

Plan Commission

October 29, 2008

Page 2 of 2

- The buildings are an eyesore and are in a desperate need of significant exterior repairs. However, it would take tens of thousands of dollars to repair and secure buildings that are likely to be taken down.
- The Building Inspection Division would spend less time inspecting the site if the buildings were removed.

I have attached a number of pictures that show where trespassers breach the fence to enter the property and show some of the conditions of the granulation and shop buildings.

The Building Inspection Division suggests approval of the partial demolition by the Plan Commission due to the safety hazards associated with the poor condition of the buildings on the site.

cc: George Hank, Building Inspection Director



Broken rail on exterior of Shop Building, May 2008

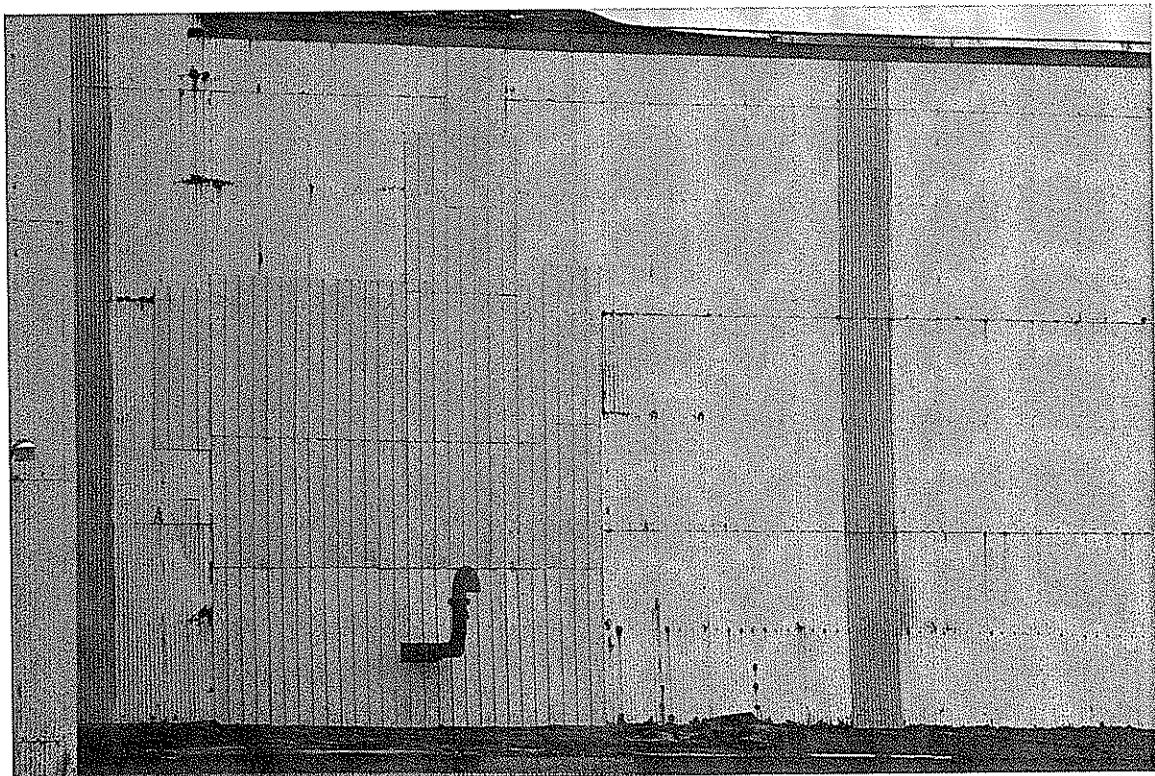


Condition of walls and doors on exterior of granulation building, May 2008

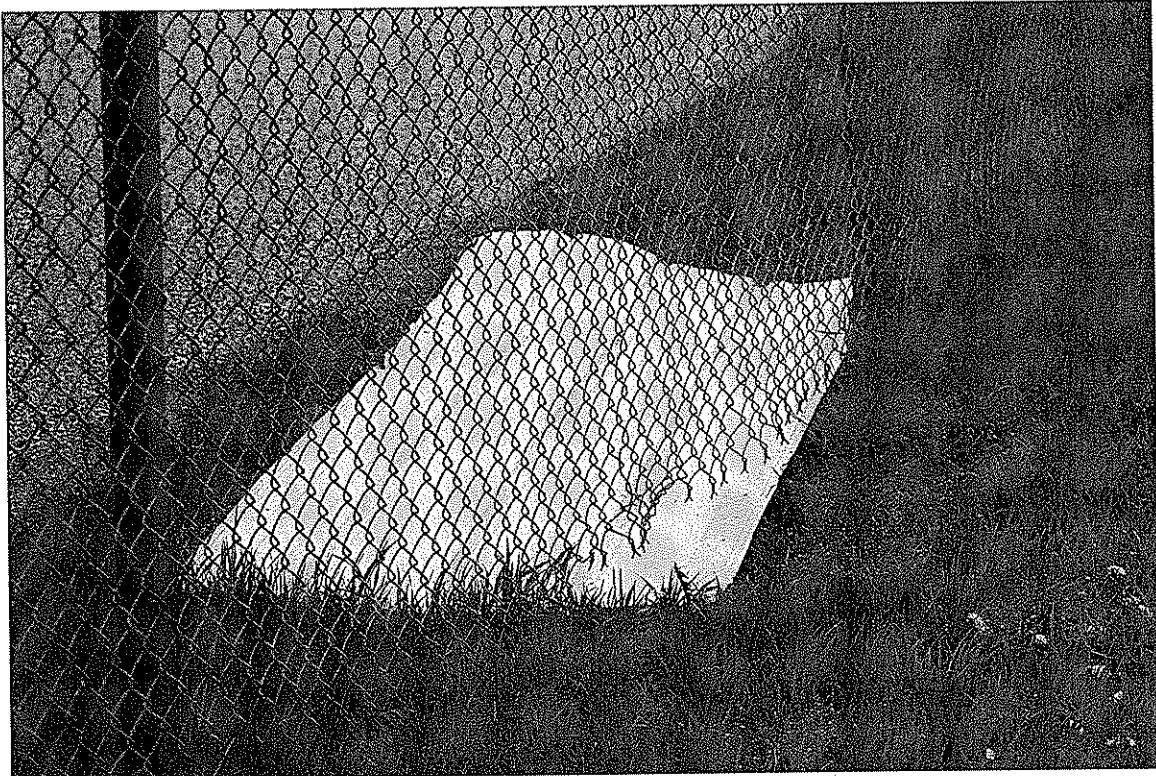




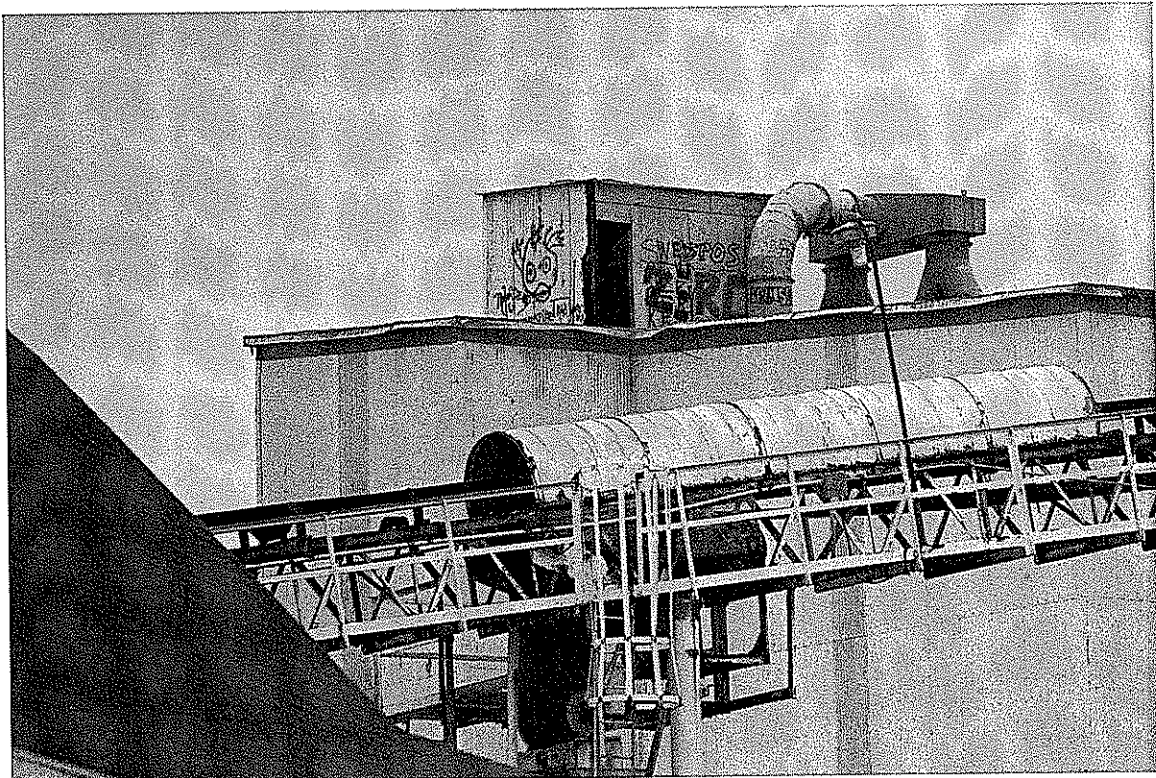
Condition of walls and doors on exterior of granulation building, May 2008



Patch where siding had blown off of granulation building, May 2008



Siding apparently blown from building, May 2008



Top of granulation building with graffiti, May 2008



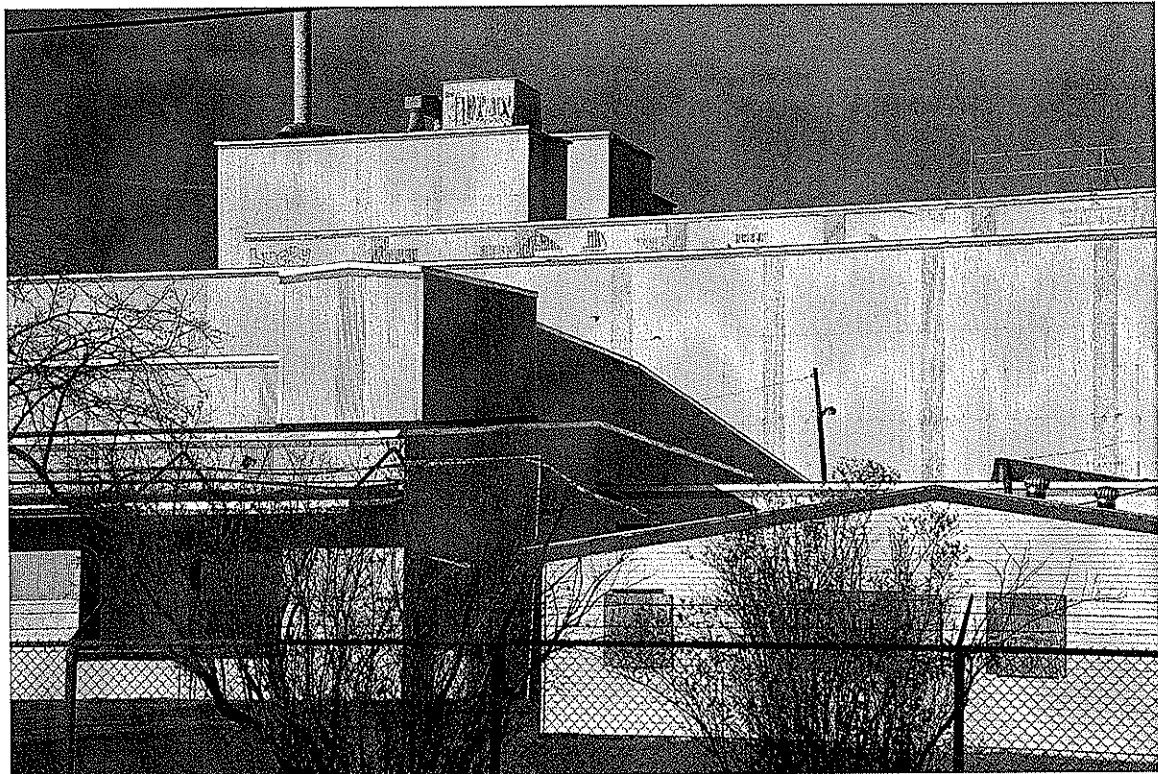
Top of granulation building with graffiti and missing siding, October 2008



Point of access to property through fence, October 2008



Condition of walls and doors on exterior of granulation building, October 2008



View of granulation building from Dempsey Rd with old and new graffiti, October 2008



# CITY OF MADISON FIRE DEPARTMENT

## Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295

Phone: 608-266-4484 • FAX: 608-267-1153

DATE: October 27, 2008  
TO: Plan Commission  
FROM: Edwin J. Ruckriegel, Fire Marshal  
SUBJECT: **902 Dempsey Road**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

**MAJOR OR NON-STANDARD REVIEW COMMENTS** (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. none

### **GENERAL OR STANDARD REVIEW COMMENTS**

In addition, we offer the following General or Standard Review Comments:

2. No comments on the demolition of this vacant factory

Please contact Scott Strassburg, New Construction Inspector at 608-261-9843 if you have questions regarding the above items.

cc: Bill Sullivan

**CITY OF MADISON**  
**Common Council**  
**INTER-DEPARTMENTAL**  
**CORRESPONDENCE**  
**210 Martin Luther King, Jr. Blvd., Rm. 417**  
**266-4071**

DATE: October 29, 2008

TO: Nan Fey, Chair, Plan Commission  
Members of the Plan Commission

FROM: Ald. Larry Palm, District 15 *LP/q*

SUBJECT: **Royster-Clark Demolition Permit**

First, I would like to respectfully ask that you delay any decision on the request for partial demolition of the Royster-Clark facility at 902 Dempsey Road. I know that many different viewpoints will be represented at the November 3 Plan Commission meeting, and many options and opinions will be suggested. At this point, no clear answer presents itself, and I would appreciate the additional time to hear, digest and understand the various options.

Second, I would like to present a condensed review of how we got here. As I suspect you already know, Agrium acquired Royster-Clark in February 2006. That summer, a decision was made to close the Madison facility and sell the site. Soon after, I began to host a series of informal neighborhood meetings where residents could come and express their concerns, hopes and opinions about the future of the site. Admittedly, this was a different time: Property sales were brisk, and our economic future looked rosy.

In January 2007, I hosted a much larger public meeting to learn about the Union Corners site and their redevelopment process. Throughout this time, Agrium continued its search for a potential buyer for the site. In late 2007, it was announced that Urban Solutions had an accepted offer on the site. However, Urban Solutions and Agrium could not come to a final agreement, and the offer was pulled in early 2008.

Meanwhile, the neighborhood continued to develop a special area plan. The informal neighborhood meetings evolved into the quasi-structured Royster-Clark Neighborhood Planning Team (RC-NPT) that has specific representatives of each of the neighborhoods – Eastmorland and Lake Edge – as well as business representatives and elected officials, including myself. Together with City Planning staff, the RC-NPT has conducted an extensive neighborhood survey, hosted two large public forums and, with the assistance of a Dane County BUILD grant, conducted a market study to fully understand the current market conditions as well as the desirability of the land.

In my opinion, while the group is significantly behind in actually creating the details of the special area plan, all of the elements are firmly established. Until the request for demolition from Agrium was received, we planned to host a public meeting in November to present specifics on different plan options and to receive public input. This meeting is now scheduled to be held in January. As you can see, these neighborhoods and adjacent residents have not put the future of the Royster-Clark site out of mind. Much activity and effort have been conducted to ensure the right future for this site and the adjoining neighborhoods.

Third, I would like to go into more detail about what prompted Agrium's application and the neighborhood discussion that has followed. I assume that originally there was no plan to demolish the building; any potential buyer would undertake this significant task. But as the selling process dragged on, numerous building inspection and safety issues arose. We suspect that it would cost a significant amount of money to repair a building that everyone is in agreement should eventually be fully demolished.

When Agrium first asked about demolition, City staff and I informed them that the only possible way for anyone to be sure if demolition would or would not be approved was to actually submit an application and go through the process. However, we did warn them that based upon the existing underlying zoning (manufacturing and commercial), the ability to issue a demolition permit was one of the only ways that the City could actually control what would happen on the site. Once the building was demolished, if a plan would be put forward for an accepted use, it could be constructed without the review of the neighborhood.

It was suggested at the time that a potential compromise was to change the zoning to something that would clearly require the participation of the City of Madison, the Plan Commission and the neighborhood. A designation such as agricultural would force any future developer to come back to us if they wanted to do anything other than a farm. Agrium consistently balked at this suggestion.

At a meeting between City staff, Agrium and myself, Agrium again brought up demolition of the building. A new plan was worked out, much of which you see before you today. By using a *partial* demolition (for the building's superstructures), we could require Agrium or the subsequent purchaser to come back and seek a final demolition permit that would have to meet *all* the requirements of the demolition ordinance, including having an actual plan for what will happen at the site. At the time, I certainly anticipated that the Royster-Clark Special Area Plan would have been completed and adopted by the City of Madison to guide the neighborhood, City staff and yourselves in determining the fate of this very large site.

Agrium did put forward an actual application for demolition, and then the real work began. I appreciate that City staff asked the state environmental regulatory authorities for their opinion of the partial demolition plan. What came back truly surprised us. I can't imagine that anyone on the Plan Commission would approve this partial demolition without assurances that the environmental impact of such an action will be mitigated; therefore, this will not be the basis of my decision.

Fourth, and finally, is my request and recommendation to the Plan Commission. I hope I have been able to illustrate for you the complex and involved process that these neighborhoods have embarked on. I am proud of the engagement of these committed residents, the strength and skills of the Eastmorland and Lake Edge Neighborhoods, and the positive and respectful communications between them. As each new piece of information is revealed, these residents and the RC-NPT have rolled with the punches, which brings me to my recommendations.

Certainly, whatever the Plan Commission decides, the City of Madison must retain its ability to help decide the outcome of this site. When the Royster Guano operations were first built, this was the edge of town. That is no longer the case. What happens here affects hundreds of nearby residents, businesses and employees. What happens here affects the larger east side of Madison as well as the city as a whole.

I'm concerned about how complex this partial demolition has become. With all the very necessary stipulations, this has become as confusing as the sub-prime mortgage market or derivatives. What we learned there is if you don't understand it, don't play it. If you don't understand what is happening here, don't approve it.

Originally, the City of Madison's position was to take down the building completely, mitigate the environmental impact caused by the operations of this plant, re-zone to a benign zoning condition and seed the site. We've developed a very intricate substitute, one with which I have become increasingly uncomfortable.

While you're listening to the speakers at Monday's Plan Commission meeting, I expect that there will be many different points of view. Aside from the environmental impacts, I suspect that the neighborhood will not be speaking in one voice. It's not because we do not support the demolition of this decrepit plant or that we oppose the potential re-use of the site. It's the mystery of this partial demolition permit. You have the power to make this simple, something that is clear and understandable to all who are involved. And if you can't, please say no.





State of Wisconsin  
Jim Doyle, Governor

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**Department of Agriculture, Trade and Consumer Protection**  
Rod Nilsestuen, Secretary

October 7, 2008

Heather Stouder  
City of Madison  
Madison Municipal Building  
215 Martin Luther King, Jr. Blvd  
Madison, WI 53701

RE: Demolition Permit – Agrium U.S. Inc. (formerly Royster Clark)  
DATCP #02402110601

Heather;

Thank you for asking for DATCP's input regarding the possible demolition of the "Royster Clark" building located at 902 Dempsey Road in Madison, Wisconsin. While DATCP appreciates the City of Madison's desire to raze the structures on the property, we are concerned about the possible environmental consequences that might be the result of inadequate planning.

As you know, DATCP has oversight of the agrichemical (fertilizer) environmental assessment and cleanup efforts at this property since 2002. Agrium U.S. Inc. (Agrium) has removed approximately 6,550 tons of nitrogen contaminated soil from areas adjacent to the former rail unloading facility, the outdoor fertilizer conveyor system (west and northwest of the main granulation building), an area west of the product storage domes, and an area along the rail corridor east of the main granulation building. Remedial work also included the installation of an asphalt "cap" along the railroad corridor east of the main granulation building to prevent surface water from percolating through nitrogen contaminated soil that was inaccessible to excavation there. Agrium did not conduct an investigation of the soil below the granulation building due in part to the facility being operational, and in part to the thought that the building itself would provide a significant "cap" or "barrier" to any contaminant migration that might occur from beneath the building.

Our concern is that if the roof and walls of the building are removed as proposed, the protection from surface water (rain, snow melt...) afforded by the roof is no longer in place and any soil contaminants might then migrate to groundwater. Furthermore, my recollection of the inside of the Royster Clark building is that it has many concrete vaults where fertilizer ingredients were stored and handled over the many years the facility was in operation. If the building were a simple slab-on-grade construction and the floor in good shape, tearing the building down would not necessarily be an immediate concern. However, with consideration to the many vaults and other possible features in the floor, we are concerned that removal of the structure without addressing the concrete removal and subsequent cleanup of any contaminated soil beneath it could cause a significant groundwater impact.

*Agriculture generates \$51.5 billion for Wisconsin*

Heather Stouder  
October 7, 2008  
Page 2

Having said that, DATCP advises that any demolition plans at this site include the removal of the concrete floor and any contaminated soil below the floor. We have already discussed this with Agrium's consultant, BT<sup>2</sup>, Inc., and they are aware that any future development of this property will require further evaluation and (likely) cleanup of soil beneath the structure. We will not support a plan that does not consider contaminants that may be present beneath the structure, and we suggest that the City of Madison expect the same of any plan they may consider.

If you have any questions, please call me at 608-224-4502.

Sincerely,



Richard C. Graham, P.G.  
Hydrogeologist, Environmental Quality Section

CC: Stan Senger, DATCP  
Lori Bowman, DATCP  
Wendell Wojner, DNR

**Stouder, Heather**

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**From:** Wojner, Wendell J - DNR [Wendell.Wojner@Wisconsin.gov]  
**Sent:** Wednesday, October 01, 2008 1:11 PM  
**To:** Stouder, Heather  
**Cc:** rick.graham@datcp.state.wi.us  
**Subject:** RE: 902 Dempsey (Agrium) demolition permit application

Thanks for the information.

I have not evaluated the previous Phase I and Phase II reports with the proposed demolition work at this time.

Some of the things that I would be concerned about would be the presence of asbestos either in expansion joints or caulk or as insulation.

Also the presence and forms of paint and whether it was lead bearing material.

Some evaluation of the potential for fertilizer residues should be in the demolition determination. If there is the potential for fertilizer residues in the structure, then a 'wet' demolition process might be in order. How the foundation/concrete is to be handled is also a concern.

**Asbestos information:**

Wendell, you had questions about the DNR air management program rules for demolition of the former Royster Clark buildings in Madison.

The asbestos web page is here: <http://dnr.wi.gov/air/compenf/asbestos/index.htm>

The building owner and demolition contractor should review this: <http://dnr.wi.gov/air/pdf/asbestosfactsheet.pdf>,

and complete and submit the form found here: <http://dnr.wi.gov/air/compenf/asbestos/asbes8a.htm>

If the owner or contractor or the city have any questions, they should be directed to Amy Walden, the WDNR Asbestos Coordinator, at 266 3658.

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**From:** Stouder, Heather [mailto:HStouder@cityofmadison.com]  
**Sent:** Wednesday, October 01, 2008 9:47 AM  
**To:** Wojner, Wendell J - DNR; Graham, Rick C - DATCP  
**Cc:** Waidelich, Michael; Cnare, Rebecca  
**Subject:** 902 Dempsey (Agrium) demolition permit application

Good morning, Wendell and Rick-

I wanted to let both of you know that the City of Madison has received an application for a demolition permit for all buildings (not yet for foundations, parking lots, rail tracks, etc.) on the old Royster-Clark site at 902 Dempsey. The application is currently under review, and will be heard at the Nov. 3rd meeting of the Plan Commission.

I'm attaching for your review the letter of intent submitted by Agrium.

One thing staff is curious about is the regulatory framework for demolishing the main building, especially with the fertilizer residues, etc. Are there certain precautions or procedures that must be followed, based on the perspective of either of your agencies? Thanks in advance for any information you might be able to

direct us to along these lines. Enjoy the day!

**Heather Stouder, AICP**

Planner, Planning Division  
City of Madison Department of Planning &  
Community & Economic Development  
P: 608-266-5974  
F: 608-267-8739  
[hstouder@cityofmadison.com](mailto:hstouder@cityofmadison.com)

Madison Municipal Building, Ste. LL-100  
215 Martin Luther King, Jr. Blvd.  
PO Box 2985  
Madison, Wisconsin 53701-2985

October 23, 2008

City Plan Commission  
c/o Heather Stouder  
City Planning Division  
215 Martin Luther King Jr Blvd  
PO Box 2985  
Madison, WI 53701-2985



Re: Agrium Inc Demolition Permit Application for "Royster-Clark" Site

Dear Plan Commission Members:

We are writing to express concerns with regard to the partial demolition permit application for the Royster-Clark fertilizer plant submitted by its current owner, Agrium USA Inc, on September 17, 2008.

Our respective neighborhoods have been keenly interested in future development plans for the Royster-Clark fertilizer manufacturing plant site located at 902 Dempsey Road in Madison since the facility was closed by Agrium Inc., in 2006.

Each of our neighborhoods was contacted for reaction to a potential permit application for partial demolition of the existing structures on the Agrium property. We have been briefed on the known soil and groundwater contamination issues and other environmental concerns posed by this vacant property. We are aware of outstanding building code violations on the site and ongoing trespassing concerns by the neighbors and Agrium USA Inc with regards to the property. We agree that the manufacturing facilities pose an eyesore for our affected neighborhoods. And we leaned in support of the partial demolition permit application as a preliminary step toward future development of the site.

However, recent correspondence (attached) from the WI Dept of Agriculture, Trade and Consumer Protection as the state regulatory oversight agency responsible for most of the remediation efforts on the site, plus our reading of the demolition permit application "site plan", demands that a careful review be conducted by Planning Division staff and the City Plan Commission before approval of a partial demolition permit is granted, and then only with conditions.

Based on conversations with DATCP staff, the only soil sampling conducted inside the main facility was in three separate areas in the southern one-third of the granulation building. One of these test areas demonstrated soil contamination problems that will need to be addressed. Due to the lay-out and design of the northern two-thirds of the granulation building, however, soil sampling has not been conducted. Here the building consists primarily of below grade concrete vaults or bins and a large, below grade, concrete-lined pit. These areas are also reportedly covered with residue. It is

this northern two-thirds of the granulation building which is believed to present far greater soil removal and remediation costs for the responsible party.

According to Agrium's demolition permit application and site plan, the company proposes to "crack for drainage" all below grade concrete pits, except for the main below grade pit located in the storage area of the building. For this larger pit, the applicant proposes to crack for drainage and secure with fencing. This proposed approach with regards to all below grade structures within the granulation building could, in fact, result in far greater groundwater contamination, thus jeopardizing Agrium's participation in DNR's Voluntary Party Liability Exemption process and/or resulting in greater remediation costs for Agrium or a subsequent buyer.

It appears that a better engineered solution is required here, such as a temporary clay cap where below grade surfaces are being exposed as part of the demolition process. In this regard, we urge that Agrium USA involve its environmental consultant, currently BT<sup>2</sup>, a Madison-based company, in the development of a more detailed demolition plan and oversight of any contracted demolition work. We would also urge a DATCP and DNR sign-off on any subsequent demolition plan presented to the City Planning Division by Agrium.

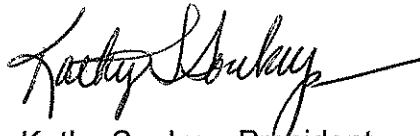
As it is currently presented, however, we urge denial of the partial demolition permit application, or at least a delay in its consideration by Plan Commission members until further demolition work plans can be presented.

Thank you for considering our concerns.

Sincerely,



Tim Saterfield, President  
Lake Edge Neighborhood Assn



Kathy Soukup, President  
Eastmorland Community Association

**Sheila M. Guilfoyle  
3914 Rockwell Drive  
Madison, Wisconsin 53714**

October 30, 2008

Nan Fey, Chair  
Members  
City of Madison Plan Commission  
210 Martin Luther King Jr. Blvd  
Madison, WI

Dear Ms. Fey & Members:

I have had the great privilege of serving as the Chair of the Royster-Clark Neighborhood Planning Team (RCNPT) for the last year. We have been very fortunate to have excellent staff assistance from the City Planning Department (Rebecca Cnare, Heather Stouder, Michael Waidelich), and the strong support of Supervisor Tom Stoebig, and Alder Larry Palm.

Over the past two years we have had community input and participation from area residents and representatives from the Eastmorland and Lake Edge Neighborhood Associations as well from area businesses and MGE. Alder Palm has already outlined the timeline and process that got us to this point (in his October 29, 2008 letter to the Commission).

The following comments are offered not as the RCNPT chair, but as a resident and as someone who looks at the northside of the Royster main structure every morning from my dining room window.

As you consider Agrium's demolition permit application I would ask you to keep three things in mind:

1. The physical risks posed by the structure are real and are a concern. But they are the result of three years of neglect by the property owner. The property did not go from a working fertilizer plant employing 50 people to the present condition overnight. Agrium chose to allow it to fall into disrepair. They should not be rewarded for their failure to maintain the property.
2. The risks to the groundwater and further contamination of the site are also real and should be weighed equally with the physical risks. The watershed in around Madison is already under pressure from agricultural runoff. We should not exacerbate the potential for further groundwater contamination by demolishing

the building in the absence of an actual and comprehensive plan by Agrium (or a potential buyer).

3. Finally I see little value in a partial demolition when it is clear that a complete demolition and site clean-up is necessary and inevitable. But I would ask the Commission to keep in mind that in the next few months we will have a Special Area Plan, and it is the hope of the neighborhood and the RCNPT that future development of the site will be consistent with that plan.

I respectfully request that the Plan Commission delay a decision on Agrium's demolition permit application to ensure that the complex site, environmental, and demolition issues are given the careful consideration and planning that they deserve. Thank you.

Sincerely,

Sheila Guilfoyle