



PREPARED FOR THE PLAN COMMISSION

Project Address: 212 N. First Street
Application Type: Demolition Permit
Legistar File ID # [51947](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant & Property Owner: City of Madison; representative: Randy Wiesner, City Engineering Division.

Requested Action: Approval of a demolition permit to allow an abandoned well building at 212 N. First Street, 12th Ald. Dist. to be demolished for the future reconstruction and widening of E. Johnson Street and N. First Street.

Proposal Summary: The City Engineering Division is requesting approval to raze former Water Utility Well No. 3 to accommodate the widening of N. First Street as part of the planned reconstruction of E. Johnson Street and N. First Street in 2019. The well was abandoned in 2008. The eastern wall of the building is located within the expanded right of way for N. First Street created by Transportation Project Plat 5992-09-09, which was approved by the Common Council on January 2, 2018 by Resolution 18-00006 (ID 49546). Demolition of the former well and site restoration work will commence as soon as all regulatory approvals have been granted, with completion scheduled by this fall. The road construction project is scheduled to proceed in spring 2019.

Applicable Regulations & Standards: Section 28.185 provides the process and standards for the approval of demolition and removal permits.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow the demolition of an abandoned well building at 212 N. First Street subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The subject site is a 5,940 square-foot (0.14-acre) parcel located in the southwesterly quadrant of the E. Johnson Street and N. First Street (State Highway 113) intersection; Aldermanic District 12 (Palm); Madison Metropolitan School District.

Existing Conditions and Land Use: A vacant one-story, approximately 1,960 square-foot brick well building, zoned TE (Traditional Employment District).

Surrounding Land Use and Zoning: The subject site is generally surrounded by the City’s Fleet Services garage and yard in TE (Traditional Employment District) zoning. Across N. First Street from the site are single-family and two-family residences in TR-C4 (Traditional Residential–Consistent 4 District) zoning. Lands generally to the north across E. Johnson are developed with Wisconsin & Southern Railroad yards and industrial buildings in IL (Industrial–Limited District) zoning.

Adopted Land Use Plans: The 2006 Comprehensive Plan recommends the subject site and surrounding City-owned land to the south and west for General Commercial uses. The residential properties across N. First Street are recommended for Low-Density Residential uses, while land across E. Johnson Street is mostly recommended for Industrial uses, with the exception of a warehouse property opposite N. First Street, which is recommended for Medium-Density Residential uses.

The 2016 Emerson East-Eken Park-Yahara Neighborhood Plan specifically recommends that the subject site and surrounding City-owned property as part of the gateway into the Emerson East Neighborhood, and the approved location for the Madison Public Market District. The area is identified as Focus Area Three (3), which extends south to E. Washington Avenue along the west side of N. First Street and includes recommendations development of a public market with vendor spaces, a food-business incubator, fresh food production (for example, raised garden beds), and commercial kitchen within Focus Area Three; development of multi-story mixed-use buildings with residential, office and commercial uses and views of the river and pedestrian/bike connections; creation of public gathering places within the Public Market District, Burr Jones Park and along the Yahara River, and; incorporation of connections from the public market to the park, Yahara River, and surrounding residential areas.

Zoning Summary: The subject property is zoned TE (Traditional Employment District); no new structures are proposed for the site following demolition.

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

Public Utilities and Services: The site is served by a full range of urban services.

Project Description

The City is requesting approval of a demolition permit to allow the abandoned Water Utility Well No. 3 to be razed to accommodate the widening of N. First Street as part of the planned reconstruction of E. Johnson Street and N. First Street (State Highway 113) in 2019. The eastern wall of the well building is located within the expanded right of way for N. First Street created by Transportation Project Plat 5992-09-09, which was approved by the Common Council on January 2, 2018 by Resolution 18-00006 (ID [49546](#)). The Plan Commission recommended approval of the Transportation Project Plat and a related transfer of the 5,940 square-foot well parcel from the Water Utility to right of way and general City use by Resolution 18-00009 (ID [49567](#)).

The well building is a one-story brick structure with approximately 1,960 square feet of floor area, which was constructed in 1929 according to records. The subject site is surrounded by the City's Fleet Services garage and yard, and both City-owned parcels are zoned TE (Traditional Employment District). Photos of the interior and exterior of the well building are included in the Plan Commission materials for this request.

Well No. 3 was abandoned in 2008. According to the Water Utility, samples from the well indicated elevated levels of manganese and PCE. The Wisconsin Department of Natural Resources identified a contaminated site to the north and east that was contributing to the PCE contamination. A treatment system was required to bring the well into compliance with Federal Safe Drinking Water Standards. However, due to its age and condition, a decision was made in 2007 to abandon the well, which was disconnected from the drinking water system in 2008.

Following demolition of the building, the City Engineering Division plans to widen N. First Street between E. Johnson Street and E. Mifflin Street from one southbound lane to two all the way south to E. Washington Avenue,

provide dual left-turn lanes from northbound N. First onto westbound E. Johnson Street, and a pedestrian refuge median at the E. Johnson Street intersection. The additional left-turn lane from N. First Street onto westbound E. Johnson Street will relieve traffic congestion that conflicts with E. Dayton Street. An additional left-turn lane from E. Johnson Street onto N. First Street will also be added to relieve traffic congestion on Johnson Street.

Additionally, according to the project engineers, pedestrians and bicyclists traveling along the south side of E. Johnson Street heading eastbound will have an exclusive signal at the intersection. This means no vehicular movement between E. Johnson Street and N. First Street will be allowed while pedestrians and bicyclists are crossing. By adding additional turn lanes at the intersection, traffic signal time was available to allow for the exclusive pedestrian and bike signal.

Analysis and Conclusion

Per Section 28.185(7)(a)4., the Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.

The Landmarks Commission informally reviewed the proposed demolition on April 30, 2018 and recommended to the Plan Commission that the Landmarks Commission finds that the building at 212 N. First Street has historic value related to the vernacular context of Madison's built environment, but the building itself is not historically, architecturally, or culturally significant. The Landmarks Commission recommended to the Plan Commission that it explore ways to retain the building façades for use at the Madison Public Market by referring the demolition request to the Public Market Development Committee. Members of the Landmarks Commission noted that well houses are disappearing rapidly and that photo documentation of the building is necessary. Members also asked if the Madison Public Market planned for a nearby property could incorporate the well building façade into their design.

Following the Landmarks Commission recommendation to refer the demolition of Well No. 3 to the Public Market Development Committee, Planning staff consulted the City Attorney's Office for procedural advice. Assistant City Attorney John Strange provided the following:

"I do not think the Plan Commission can require an applicant to submit a demolition application to the Public Market Development Committee.

28.185(5)(c) states that "when reviewing a demolition application...the Plan Commission may require the applicant to submit plans to the Urban Design Commission and/or the Landmarks Commission for comments and recommendations." The purpose of this provisions is to permit the Plan Commission to require demolition applicants to submit to the UDC and LC. It does not, however, extend that permission to any other board, commission, or committee. If the Council had intended to allow the Plan Commission to seek input from any commission, it would have said so. Instead, it specified – and therefore limited – the commissions to which the PC can require the applicant to submit plans. Since the Public Market Development Committee is not specified, the PC cannot require the applicant to submit to it. To interpret otherwise would potentially allow the plan commission to require demolition applicants to a large number of commissions and committees, which is not an outcome the Council intended.

I would advise the Plan Commission to inform the applicant of the LC's recommendation that it find a way to preserve the bricks for the public market. The applicant could voluntarily agree to go before the Public Market Committee or it could discuss the issue with Plan Commission."

Notwithstanding the question of referring the matter to the Public Market Development Committee, the Planning Division believes that the Plan Commission can find the standards for approval met to allow the former well to be demolished in advance of the planned reconstruction and widening of N. First Street and E. Johnson Street in 2019. As a condition of approval, however, staff recommends that photo documentation of the former well occur prior to issuance of permits for the demolition.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow demolition of an auto repair facility at 212 N. First Street subject to input at the public hearing and the following conditions:

Planning Division

1. Prior to issuance of permits to raze Well No. 3, City Engineering staff shall work with the City's Preservation Planner to photo document the building for historical purposes.

City Engineering Division (Contact Brenda Stanley, 261-9127)

2. Prior to final approval of the demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer and/ or storm sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees.
3. The current plan shows less than 4,000 square feet of disturbed area. If the plans are not revised, no Erosion Control or Storm Water Management Permits will be required.

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

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

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

4. The applicant shall submit one contiguous plan for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including 2 feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

5. Provide a reuse/recycling plan, to be reviewed and approved by the City's Recycling Coordinator, Bryan Johnson (266-4682), prior to a demolition permit being issued. MGO Section 28.185(7)(a)5 of the Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
6. Approval of the demolition permit will require the removal of all structures including the principal building, foundation and sidewalk. Disturbed areas shall be filled, graded and seeded or sod planted to minimize erosion.

Fire Department (Contact Bill Sullivan, 261-9658)

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

Water Utility (Contact Adam Wiederhoeft, 266-9121)

7. Please protect, salvage, and return engraved Unit Well No. 3 nameplate stone and contact Madison Water Utility for collection of stone panel from site. Please contact Adam Wiederhoeft at 266-9121 or awiederhoeft@madisonwater.org to coordinate pick-up schedule.

Parks Division (Contact Janet Schmidt, 261-9688)

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

Metro Transit (Contact Tim Sobota, 261-4289)

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