



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

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January 29, 2009

Daren Couture
Agrium, Inc.
13131 Fraser Dr. SE
Calgary, AB T2J 7E8

RE: Approval of a conditional use permit for a partial demolition of a vacant factory at 902 Dempsey Road.

Dear Mr. Couture:

The Plan Commission, meeting in regular session on January 26, 2009 determined that the ordinance standards could be met and **conditionally approved** your request for a partial demolition allow the demolition of buildings on the Royster-Clark site at 902 Dempsey Road. In order to obtain the demolition permit, the following conditions must be met:

Please contact my office at (608) 267-8735 if you have any questions about the following 13 items:

1. Comments from City of Madison reviewing agencies (see conditions No. 14 through 27) are sufficiently addressed by the applicant so as to receive sign-off from relevant agency staff.
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/compenf/asbestos/asbes8a.htm>
4. Prior to issuance of a demolition permit, the applicant shall provide access to the site and buildings to Wisconsin Department of Natural Resources Air Management Program staff so that they may assess the presence and location of asbestos, fertilizer dusts, and buildup of pollutants in the smoke stack and ensure that all applicable regulations related to air and solid waste can be met during demolition.
5. 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.

6. Regardless of the approaches selected to meet Condition No. 5 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.

- A. The general plan proposed by Agrium and BT2 to fill and “cap” the pit in the former granulation building with a clay cover is an acceptable temporary solution, but in order to be approved, a more detailed plan addressing specific requirements identified by the Department of Agriculture Trade and Consumer Protection will be required, and must be submitted to the above agencies for their approval.
 - B. The “fill and cap” solution to preventing water infiltration through the pit shall be a temporary solution only, and will not be acceptable as part of the final remediation plan for the site. Subject to Department of Agriculture Trade and Consumer Protection approval, there is no specific time set for removal of the temporary cap except as specified by this and other conditions of approval.
7. 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.
 8. If the plans as required in Condition Nos. 2, 5, 6, and 7 are not submitted within 60 days of Plan Commission approval of the demolition permit, or the demolition permit is not obtained within 60 days of final staff approval, or the requested partial demolition is not completed within 180 days of obtaining the demolition permit, approval of the demolition permit shall be null and void.
 9. The existing fence around the property shall be maintained in a sound and attractive condition to prevent unauthorized access to the property until such time as the site is redeveloped or the demolition is completed and the site restored. All buildings shall be secured to prevent unauthorized access until they are demolished.
 10. 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. An alternative arrangement that assures timely response to complaints or citations regarding site conditions may be approved by the Building Inspection Division.
 11. 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, including the temporary cap proposed over the pit in the main granulation building. The second permit application will be reviewed for consistency with all the requirements of Section 28.12(12).
 12. Agrium, Incorporated shall make reasonable commercial efforts to market the property for sale to prospective buyers upon issuance of the partial demolition permit. If the property is not sold to an entity not related to Agrium within 36 months from the date of issuance of the partial demolition permit, Agrium 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, complete the remediation, and restore the site as required to adequately prevent erosion and maintain an attractive appearance until such time as redevelopment occurs. Full demolition, remediation and site restoration shall be completed not later than 48 months from the date the first, partial, demolition permit is issued. Extensions of the deadlines established in this condition may be granted by the Plan Commission, following a recommendation from the Department of Agriculture Trade and Consumer Protection regarding the presumed corresponding extension of the temporary cap over the pit in the main granulation building. The second demolition permit application will be reviewed for consistency with all the requirements of Section 28.12(12).
 13. Demolition and full site remediation must be completed prior to any further use or development on the property.

Please contact Janet Dailey, City Engineering, at (608) 261-9688 if you have questions regarding the following nine items:

14. Engineering Mapping will need a final plan (CAD file preferred) to 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.
15. Private storm connections shall be plugged at the public main prior to the start of the demolition.
16. Storm sewer (public) along the east must be protected physically and with erosion control during construction.
17. Revise/amend Alta survey to show all existing utilities prior to demolition. Locate and identify all storm and sanitary facilities.
18. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
19. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website – as required by Chapter 37 of the Madison General Ordinances. Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.
20. 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. 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.

21. The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
22. Prior to the issuance of the demolition permit, 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: \$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 the lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.

Permit applications for Nos. 21-22 above are available online at: <http://www.cityofmadison.com/engineering/permits.cfm>.

Please contact John Leach, Traffic Engineering at (608) 267-8755 if you have any questions about the following item:

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

Please contact Pat Anderson, Assistant Zoning Administrator at (608) 266-4551 if you have any questions about the following 4 items:

- 24. Provide a Reuse and Recycling Plan, to be reviewed and approved by the City’s Recycling Coordinator, Mr. George Dreckmann, prior to issuance of a demolition permit (duplicates No. 7 above).
- 25. A future demolition approval will be required for the removal of the building foundations (duplicates No. 11 above).
- 26. 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.
- 27. 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.

Please now follow the procedures listed below for obtaining your demolition permit:

- 1. Please revise your plans per the above and submit *six (6) copies* of a complete plan set to the Zoning Administrator for final staff review and comment. Be sure to include any additional materials requested by city and state agencies for their approval prior to sign off.
- 2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting the demolition permit.

If you have any questions regarding obtaining your conditional use permit, please contact the Zoning Administrator at 266-4551. If you have any questions or if I may be of any further assistance, please do not hesitate to contact my office at 267-8735.

Sincerely,

Michael Waidelich
 Principal Planner

I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use permit.

Signature of Applicant

- cc: Pat Anderson, Assistant Zoning Administrator
 Janet Dailey, City Engineer’s Office
 John Leach, Traffic Engineering
 Rick Graham, Wisconsin Department of Agriculture, Trade, and Consumer Protection
 Wendell Wojner, Wisconsin Department of Natural Resources
 Amy Walden, Wisconsin Department of Natural Resources

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Division (H. Stouder)	<input checked="" type="checkbox"/>	Recycling Coordinator (R & R)
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Engineering Mapping
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Fire Department