

# PLANNING DIVISION STAFF REPORT

April 2, 2018



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 126 Langdon Street (District 2 – Ald. Zellers)  
**Application Type:** Demolition Permit  
**Legistar File ID #** [49918](#)  
**Prepared By:** Colin Punt, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Dan Seeley; Steve Brown Apartments; 120 W. Gorham Street; Madison, WI 53703  
**Owner:** 126 Langdon Street, LLC; 120 W. Gorham Street; Madison, WI 53703

**Requested Action:** Approval of a demolition permit with no proposed use at 126 Langdon Street

**Proposal Summary:** The applicant proposes to demolish a dormitory building located at 126 Langdon Street with no specific site plans or future use proposed at this time.

**Applicable Regulations & Standards:** This proposal is subject to the standards for demolition permits [MGO Section 28.185(7)(b)].

**Review Required By:** Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish an seven-story dormitory building at 126 Langdon Street with no proposed future use. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 0.71 acre (30,786 square foot) subject property is located on the northwest side of Langdon Street between North Carroll Street and North Henry Street. The site is in Aldermanic District 2 (Ald. Zellers) and is within the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 0.71 acre (30,786 square foot) subject site includes a seven-story former dormitory building, and accessory parking lot. The 61,600 square foot, 192-bedroom structure was built in 1963 and used as a dormitory until 2008; it has been vacant since that time. The parcel is zoned Downtown Residential 2 (DR2).

### Surrounding Land Use and Zoning:

North: Fraternity/Sorority houses, zoned DR2;  
West: Fraternity/Sorority houses and small apartment buildings, zoned DR2;  
South: Across Langdon Street, several small apartment buildings, zoned DR2; and

East: Fraternity/Sorority houses and small apartment buildings immediately to the east and across Langdon Street, zoned DR2.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2006) places the subject site within the Langdon Downtown Residential Sub-District. The [Comprehensive Plan](#) recommends mixed-use buildings, small, scale neighborhood commercial uses, and multi-unit residential; and notes that historic preservation and neighborhood conservation issues need to be addresses as properties here are redeveloped. The [Downtown Plan](#) (2012) recommends that the Langdon Neighborhood should build on its history as a traditional student neighborhood, and continue to accommodate a limited amount of higher-density residential redevelopment on selected sites while maintaining the area's historic and architectural integrity.

**Zoning Summary:** The property is zoned DR2 (Downtown Residential 2 District). No new development is proposed at this time; future redevelopment will require site plan review by the Zoning Administrator.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor.

**Public Utilities and Services:** This property is served by a full range of urban services.

## Project Description

The applicant and owner, Steve Brown Apartments, requests approval to demolish a seven-story building with no proposed future use at this time. The 0.71-acre subject site includes a vacant seven-story dormitory building constructed in 1963. The 0.71 acre (30,786 square foot) subject site includes a seven-story former dormitory building, and accessory parking lot. The 61,600 square foot, 192-bedroom structure was built in 1963 and used as a dormitory until 2008; it has been vacant since that time. The parcel is zoned Downtown Residential 2 (DR2). There are several infrastructure, utility, access, and parking easements granted to surrounding properties. According to the applicant, the site will be temporarily returned to a green space condition and will remain as such pending a future application for development. According to the applicant, most demolition work will occur during summer months while the majority of UW students are not around campus. However, the size of the project and the need to maintain access to surrounding properties will lengthen the project. The applicant proposes to complete environmental abatement by May 11, 2018. Demolition is proposed to begin on May 14 with completion scheduled for September 1, with the heaviest work occurring in June and July when the fewest students are on campus. The applicant proposes site restoration to take place in the first two weeks of September, but depending on weather, late September or October may be more appropriate for establishing grass on site.

## Analysis and Conclusion

This request is subject to the standards for demolition permits as found in Section 28.185. The statement of purpose in Section 28.185 encourages, in part, that it is "a matter of public policy that the good maintenance and rehabilitation of existing buildings...and the careful consideration and planning of changes in the urban landscape are a public necessity and are required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes..." However, the applicant has not provided a proposed use on site in this application. Therefore, this request is specifically subject to the standards for demolition permits with no proposed use, as found in Section 28.185(7)(b), which, for non-residential buildings, requires, "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.” In order to approve the demolition with no immediate proposed use, the Plan Commission must find that, based on evidence from the Madison Fire Department, Police Department, and/or Building 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. George Hank, Director of the Building Inspection Division, and Jason Freedman, Central District Police Captain, have provided the attached letters that note demolition is supported because it is a hazard to public safety and a nuisance.

Ordinarily the review of the proposed use of the site is the second and occasionally more scrutinized part of the question regarding consideration of a demolition permit by the Plan Commission and the opportunity for the community to weigh whether the proposed use is compatible with adopted neighborhood plans and the Comprehensive Plan. This step also usually includes review of the impact the demolition and proposed use would have on the normal and orderly development and improvement of surrounding properties. When this property returns to the City process for development, the Downtown Plan recommends a maximum building height of up to five stories for the front half of the site, including the parking lot on Langdon Street and the southeast half of the existing building. The rear portion of the site is located within an “Additional Building Height Area” in which a future development may be allowed up to two additional stories if it meets specific criteria that reflect the context of the site’s surroundings and helps to advance the planning recommendations for the area. Staff recommends a restrictive covenant be placed on the property requiring Plan Commission approval of the proposed alternative use of the property prior to issuance of building permits for any new construction.

Staff also notes that while parking on site is currently leased out to adjacent properties, parking facilities are not a permitted use in the DR2 district. As such, the parking and paved areas currently accessory to the building must be removed, though paved areas and driveways that are required to access adjacent parcels and for ingress and egress may remain.

Many of the surrounding buildings are in the Langdon Street National Historic District, Mansion Hill National Historic District, Mansion Hill Local Historic District, or a combination thereof. To the southeast, 121 Langdon Street is a local landmark. The district Alder has expressed concern that the demolition of a building this size may have an adverse impact on the structural safety of neighboring buildings. According to the City Preservation Planner, demolition of this type of structure may cause vibration of the earth, which may result in damage to adjacent structures. Reasonable care must be taken and best practices should be followed in the selection of the demolition methods so that impacts to adjacent structures are avoided. According to the applicant, the demolition process will subject these properties to less vibration than the 2017 reconstruction of Langdon Street. The applicant has stated they will use a long reach/high reach excavator to pull down the dormitory building in pieces; the basement hole (16’8” basement, 12’0” sub-basement) will be backfilled with debris from the demolition. The applicant has state that there will be no large-scale compaction as utilized in a street-reconstruction, such as was the case with the Langdon Street reconstruction. This demolition differs from the recent demolition from the Anchor Bank parking structure, which was adjacent to two local landmarks, 111 (Jackman Building) and 121 (Baskerville Apartments) S. Hamilton Street. The demolition of that parking structure was a concern because of the deep excavation required for the new building, so the adjacent landmark buildings were monitored for any movement or settling. The applicant has stated that proposed demolition of 126 Langdon will not include any deep excavation.

At the time of report writing, staff has received two written comment representatives of two adjacent Greek houses with concerns about the demolition process, which has been included with the Plan Commission materials. The Landmarks Commission informally reviewed the proposed demolition on November 20, 2017 and found that

the building had no known historic value. Due to the considerations outlined above, the Planning Division believes that the standards for Demolition Permits can be met.

## Recommendation

### Planning Division Recommendation (Contact Colin Punt, 243-0455)

The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish the existing structure at 126 Langdon Street with no proposed future use. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

### **Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

#### Planning Division (Contact Colin Punt, 243-0455)

1. As a future use was not presented at the time of application, the Plan Commission requires that the alternative future use be approved by the Plan Commission prior to the issuance of permits as allowed under Section 28.175(8)(a) MGO. The property owner shall execute a restrictive covenant prior to issuance of the demolition permit, which requires Plan Commission approval of the proposed alternative use of the property prior to issuance of building permits for any new construction. The standards for approval of the proposed alternative use shall be those in contained in Section 28.185 of the Zoning Ordinance. The form of the restrictive covenant shall be approved by the Planning Division and City Attorney's Office.
2. The applicant shall provide notice of the demolition plan and schedule no later than six weeks prior to commencement of demolition to the following properties: 115, 120, 121, 124, 127, 130, 144, 146, and 152 Langdon Street. The demolition contractor shall use best practices to eliminate or minimize possible damage or impacts to surrounding buildings. The property owner, demolition contractor, or responsible party shall provide proof of liability insurance should there be damage to surrounding property during demolition.
3. The applicant shall install a semi-permanent physical barrier to prevent unauthorized parking in the seeded/sodded turf areas of the site.

#### Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

4. Remove the parking and paved areas that are accessory to the building including the parking lot located to the southwest of the building and parking located to the north and northeast of the building. Paved areas and driveways that are required to access adjacent parcels and for ingress/egress may remain.
5. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682)
6. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185 (7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.

7. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
8. Approval of the demolition permit will require the removal of all structures including the principal building and accessory parking lot. Disturbed areas shall be graded and seeded or sod planted to minimize erosion.
9. Submit a site plan clearly showing the final condition of the property including areas to be seeded or planted with sod and paved areas required to access the Zoning lot.
10. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

**Engineering Division – Main Office** (Contact Brenda Stanley, 261-9127)

11. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which 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. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
12. The plan set shall be revised to show more information on existing drainage for the site. Specifically, City Engineering has no record of the existing roof drainage discharge points. This is needed to ensure that the proposed runoff volume to the rear of the lot is not larger than in the current condition.
13. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to:  
bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). 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. Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e. Right-of-Way lines (public and private)
  - f. Lot lines or parcel lines if unplatted
  - g. Lot numbers or the words unplatted
  - h. Lot/Plat dimensions
  - i. Street names
  - j. Stormwater Management Facilities
  - k. Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
14. 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 5.0 tons per acre per year.

**Engineering Division - Mapping** (Contact Jeff Quamme, 266-4097)

15. The address of 126 Langdon St will be retired with the demolition of the building. The parcel will have a new address of 128 Langdon St in preparation for any future building.

16. Utilities and access between this property and surrounding parcels to remain status quo. As long as this remains and the parcel is status quo, Engineering Mapping has no comment on access or utility easements between the parcels.

**Water Utility** (Contact Adam Wiederhoeft, 266-9121)

17. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

18. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.

**Parks/Forestry** (Contact Brad Hoffman, 266-4816)

19. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.