

PLANNING DIVISION STAFF REPORT

November 21, 2022



PREPARED FOR THE PLAN COMMISSION

Project Address: 917 Deming Way (District 9 – Alder Conklin)

Application Type: Demolition Permit

Legistar File ID # [71634](#)

Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant & Contact: Jason Lietha; Ruekert & Mielke, Inc.; 4630 S Biltmore Lane; Madison, WI 53718

Property Owner: Cameron McGovern - John Deere Credit Services, Inc.; 917 Deming Way; Madison, WI 53718

Requested Action: Consideration of a demolition permit to demolish a street-facing wall of an office/industrial building at 917 Deming Way.

Proposal Summary: The applicant is requesting approval to demolish the existing Deming Way-facing wall of the existing office/industrial building as part of a planned renovation and construction of a roughly 86,000-square-foot addition on the west side of the building. The application indicates that the project will commence in the fall of 2022, with completion approximately two to three years later.

Applicable Regulations & Standards: Demolition is defined, in part, as “*an act or process that removes, pulls down, tears down, razes, deconstructs, or destroys an existing building wall facing a public street or, during any ten (10) year period, removes, pulls down, tears down, razes, deconstructs or destroys fifty percent (50%) or more of the area of the exterior walls of a building.*” 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 western façade of the building at 917 Deming Way to be demolished, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

Background Information

Parcel Location: The approximately 548,880-square-foot (12.6-acre) through-lot parcel is located between Deming Way and Excelsior Drive with frontage along both streets. It is also located within Alder District 9 (Ald. Conklin) as well as the Middleton/Cross Plains School District.

Existing Conditions and Land Use: The site contains two buildings which contain roughly 97,720 square-feet of office space and are connected via an elevated walkway. The buildings are located along the southern property. Surface parking, which occupies much of the northern half of the site, is accessed from either street. The property is zoned SEC (Suburban Employment Center) District.

Surrounding Land Use and Zoning:

North: A City-owned parcel for stormwater retention, beyond which are various office and industrial buildings. All are zoned SEC (Suburban Employment Center);

South: Two multi-tenant office buildings, zoned SEC;

East: Across Excelsior Drive is an office building in the SEC District; and

West: Across Deming Way is an office building in the SEC District.

Adopted Land Use Plans: The 2018 [Comprehensive Plan](#) recommends Employment (E) uses for the subject site. The site is not within the boundaries of any other adopted plans.

Zoning Summary: The property is zoned SEC (Suburban Employment Center)

Site Design	Required	Proposed
Lot Area (sq. ft.)	1 acre	548,879 sq. ft.
Lot Width	100'	Greater than 100'
Front Yard Setback	10'	TBD
Side Yard Setback	10'	TBD
Rear Yard Setback	30' or 45% of building height (the greater)	TBD
Maximum Lot Coverage	75%	TBD
Maximum Building Coverage	50%	TBD

Other Critical Zoning Items:	Utility Easements
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Tables Prepared Jenny Kirchgatter, Assistant Zoning Administrator

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

Public Utilities and Services: The subject site is served by a full range of urban services, including weekday Metro Transit service which operates along Deming Way, adjacent this property.

Project Description, Analysis, and Conclusion

The applicant is requesting approval from the Plan Commission to demolish the existing Deming Way-facing wall of the industrial/office building. The removal of the western wall of the building is needed to construct a roughly 86,000-square-foot addition extending west from the existing footprint to accommodate a proposed warehouse and loading dock. Photos of the building are attached to File ID [71634](#), as are plans for the expanded building following the proposed demolition.

The above information on the future use of the subject site following the proposed demolition are provided for informational purposes. Staff note that as a permitted use, the future use is not before the Plan Commission. At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove consideration of proposed future use as a factor in approving demolition requests. In order to approve a demolition request under the revised standards, the Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests. The factors include a finding that the proposed demolition or removal is consistent with the statement of purpose of the demolition permits section and with the health, prosperity, safety, and welfare of the City of Madison.

Considering that only partial demolitions are proposed to accommodate additions and modifications, staff believes that standards related to relocation and building condition would not apply. Planning Division believes that the standards for Demolition Permits can be found met, and provide the following comments regarding Standard 4:

At its May 9, 2022 meeting, the Landmarks Commission found that the existing building at 917 Deming Way has no known historic value. The Planning Division has no information to suggest that the proposed demolition would not meet the standards of approval for demolition permits in Section 28.185(9)(c).

In approving a demolition permit under the recently revised standards and process, the Plan Commission may stipulate conditions and restrictions on the proposed building demolition as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards of approval. The conditions in the following section appear to relate to the requested demolition or are requirements that will need to be enforced upon subsequent site plan review. The future addition is a permitted use, which is required to obtain site plan approval per Section 28.186 of the Zoning Code prior to the issuance of building permits.

At time of writing this report, staff is unaware of any written comments from the public regarding the proposed demolition. Staff believes that the applicable standards can be found met.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a demolition permit to allow the western façade of the building at 917 Deming Way to be demolished, subject to input at the public hearing and the following conditions:

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

City Engineering Division (Contact Timothy Troester, (608) 261-1997)

1. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>. As a condition of the permit a deposit to cover estimated City expenses will be required.
2. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
3. Revise the site plan 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. (POLICY)

City Engineering Division–Mapping Section (Contact Julius Smith, (608) 264-9276)

4. Note: Future planned additions will require a Land Division Instrument

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

5. Section 28.185(9) requires that every applicant for a demolition or removal approval that requires approval by the Plan Commission is required to get a Reuse and Recycling Plan approved by the City Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com prior to receiving a raze permit. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(9) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
6. Following approval of the demolition, a permitted use site plan review will be required for construction of the proposed addition and site changes.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

7. Provide fire apparatus access lanes in accordance with MGO 34 and the International Fire Code 2021 edition.
8. Remove the property line beneath the existing building via a lot adjustment or combining parcels. Confirm means and methods with City Engineering.
9. Establish addressing with City Engineering.
10. The proposed addition between the (2) existing buildings will create a single building. The fire protection systems shall be interconnected or otherwise designed to operate as one.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

11. Revise the site plan to show how the proposed expansion will be provided water service.

Forestry (Contact Brandon Sly, (608) 266-4816)

12. An existing inventory of street trees located within the right of way shall be included on the site, demo, utility, landscape, grading, fire aerial apparatus and street tree plan sets. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.
13. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within who's district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the street tree plan set.

14. Contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. Contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or below ground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the site, grading, utility, demolition, and street tree plan set.
15. As defined by the Section 107.13 of City of Madison Standard Specifications for Public Works Construction: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry at (608) 266-4816 prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Tree protection specifications can be found on the following website: <https://www.cityofmadison.com/business/pw/specs.cfm> Add as a note on the site, grading, utility, demolition and street tree plan sets.
16. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction (website: <https://www.cityofmadison.com/business/pw/specs.cfm>) addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.
17. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.
18. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street tree plan sets.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

19. To facilitate City transit planning efforts, the applicant shall identify the accessible pedestrian connection between the building entrance(s) and the existing public sidewalk along the 917 Deming Way frontage as well as the accessible pedestrian connection crossing to the Excelsior Drive frontage.
 20. In coordination with any public works improvements, the applicant shall maintain or replace the concrete boarding pad surface at the existing Metro bus stop on the east side of Deming, adjacent the 917 Deming Way frontage (#6511).
 21. The applicant shall include the location of these facilities on the final documents filed with their permit application, so that Metro Transit may review and effectively plan for City transit access to this property.
22. Metro Transit operates weekday transit service along Deming Way, adjacent this property. Bus stop ID #6511 is on the east side of Deming Way, near the south edge of the 917 Deming Way frontage.

The Planning Division, Traffic Engineering, and Parks Division have reviewed this request and have recommended no conditions of approval.