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Regarding: **5117 University Avenue – Marshall Erdman & Associates Office and Shop Landmark Nomination (Legistar #23432)**

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Date: August 8, 2011  
Prepared By: Amy Scanlon

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General Information:

On July 13, 2011, a nomination was filed by Ms. Amy Kinast of 5018 Tomahawk Trail to designate the Marshall Erdman & Associates Office and Shop located at 5117 University Avenue a local historic landmark. Staff is aware that the property owner, Erdman Holdings, LLC, does not support this nomination.

At this time, there are two decisions before the Landmarks Commission: 1) to determine if the attached Landmarks Nomination application is complete and accurate and 2) whether it would like to consider the nomination and schedule a full public hearing as described in the underlined passage of 33.19(6)(a) below. If the Commission wishes to proceed, a public hearing will be scheduled in accordance with the designation procedures below, and at which time the Commission will consider the full set of Landmarks Designation Criteria as listed in 33.19(4).

33.19 (6) Procedures.

(a) Designation Of Landmarks and Landmark Sites.

The Landmarks Commission and the Common Council may consider nominations for landmark status. An individual or group may nominate a property for consideration. If a complete, accurate application is submitted and the Commission decides to consider the nomination, a public hearing shall be scheduled. At least ten (10) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the City Assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected. Notice of such hearing shall also be published as a Class 1 Notice, under the Wisconsin Statutes. The commission shall also notify the following: Department of Public Works, Parks Division, Fire and Police Departments, Health Division, Department of Planning and Community and Economic Development and Plan Commission. Each such department shall respond to the commission within thirty (30) days of notification with its comments on the proposed designation or rescission. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses, and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, and after application of the criteria in Subsection (4), above, the commission may recommend the designation of the property as either a landmark or a landmark site or recommend the rescission of such designation. After such recommendation has been made, notification shall be sent to the property owner or owners. The commission shall report its recommendation, along with the reasons for it, to the Common Council. After considering the commission's report, and considering the standards contained in this ordinance, the Common Council may designate the property as either a landmark or a landmark site

or rescind such designation. The City Clerk shall notify the Director of the Building Inspection Division and the City Assessor. The City Clerk shall cause such designation or rescission to be recorded, at City expense, in the Dane County Register of Deeds office.

If the Commission decides not to consider a nomination, the property owner or alderperson may request that the Common Council consider the nomination. The Common Council shall then refer the nomination to the Landmarks Commission for a recommendation. (Am. by Ord. 11,983, 12-12-97; Ord. 12,302, 1-15-99; ORD-08-00109, 10-7-08)

33.19(4) Landmarks and Landmark Sites Designation Criteria.

- (a) For purposes of this ordinance, a landmark or landmark site designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the City of Madison, such as historic structures or sites which:
1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
  2. Are identified with historic personages or with important events in national, state or local history; or
  3. Embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship or
  4. Are representative of the notable work of a master builder, designer or architect whose individual genius influences his age.

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Staff Comments:

Reviewing the two decisions before the Landmarks Commission, staff believes:

1. The nomination is reasonably complete and accurate; however, the bibliographical sources should be cited in a more academically appropriate way (especially in the narrative of the Nominator Significance Report) because the exact source of information is not clear in all instances and makes the determination of accuracy difficult.
2. The Landmarks Commission should not consider the nomination. Planning staff has previously communicated with the Applicant that staff does not support the nomination of this building. This recommendation considers the following:
  - a. It has been well known for over a year that the Erdman property was proposed for a significant redevelopment project. On July 12, 2010 a prior development team first notified the public through the notification listserv about their intent to file a demolition permit for the building at 5117 University Avenue. During the routine discussion of the demolition report at both July 26, 2010 and August 9, 2010 Landmarks Commission meetings, there was no indication by the Commission about any historic interest of this building.
  - b. A new development team reopened the discussions of the development of this property and re-notified the listserv earlier this summer. Subsequently, Paul Lenhart of Krupp Construction filed applications with the Plan Commission to demolish 11 buildings located at 5063-5117 University Avenue and 702 N. Whitney Way, including the Erdman

office and shop site, and to rezone and subdivide approximately 14 acres of property to allow development of a mixed-use and employment project in the Planned Unit Development (PUD) zoning district.

In a similar case recently before the Landmarks Commission, the submission of the nomination to designate Luther Memorial Church was concurrent with the development review process for the project at St. Francis. The distinction between the two cases is that in the case of Luther Memorial, the nomination was for a building adjacent to the proposed development site that was clearly worthy of being designated a local landmark and the nomination had been discussed for some time.

- c. As part of the ongoing City-wide development review process, numerous improvement suggestions have been brought to the attention of the Landmarks Commission. One concern is that property owners and developers need assurance that the entitlement process developers follow is not going to be changed in the middle of the review of a project. The submission of this nomination during the second proposal for this property affects that established process. While the Landmarks Commission has a separate approval process from other Commissions, the actions of the Landmarks Commission are not insular. They are part of the larger development review process.
- d. Madison and the surrounding communities have numerous sites that better embody the contributions of Marshall Erdman and the historical significance of the professional relationship of Marshall Erdman with Frank Lloyd Wright and William Kaeser than the building at 5117 University Avenue.