

# PLANNING DIVISION STAFF REPORT

June 27, 2022



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 131 West Wilson Street (District 4 – Ald. Verveer)  
**Application Type:** Demolition Permit  
**Legistar File ID #** [71633](#)  
**Prepared By:** Colin Punt, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner  
Heather Stouder, AICP, Planning Division Director  
Matthew Tucker, Building Inspection Director

## Summary

**Applicant:** Greg Rice; Rice Investors, LLC; 2701 International Lane, #100; Madison, WI 53704

**Requested Action:** Approval of a demolition permit for a twelve-story building at 131 West Wilson Street.

**Proposal Summary:** The applicant proposes to demolish a twelve-story commercial office building at 131 West Wilson Street with no proposed future use.

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

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the demolition standards are met and **approve** the request to demolish the twelve-story building at 131 West Wilson Street. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

## Background Information

**Parcel Location:** The 33,092-square-foot (0.76-acre) property is located on the southeast side of West Mifflin Street, adjacent to the Wisconsin & Southern Railroad, between South Henry Street and South Carroll Street. It is located within Alder District 4 (Ald. Verveer) as well as the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The property is zoned Urban Mixed Use (UMX) District and is developed with a twelve story building with office and commercial tenant spaces and three levels of underground parking constructed in 1971.

### Surrounding Land Use and Zoning:

**Northwest:** Across West Wilson Street, the Dane County Courthouse, zoned PD (Planned Development District);

**Northeast:** A vacant lot and an eight-story apartment building, both zoned UMX;

**Southeast:** Across the Wisconsin & Southern railroad and John Nolen Drive, Law Park and Monona Terrace; and

**Southwest:** A four-story mixed-use building zoned UMX.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Downtown Core (DC) uses for the subject parcel. The [Downtown Plan](#) (2012) similarly identifies the site as Downtown Core Mixed Use.

**Zoning Summary:** The property is in the Urban Mixed Use (UMX) District

Requirements	Required	Proposed
Lot Area (sq. ft.)	3,000 sq. ft.	33,092 sq. ft.
Lot Width	30'	132.0'
Front Yard Setback	0' or 5'	TBD
Max. Front Yard Setback	10'	TBD
Side Yard Setback	0'	TBD
Rear Yard Setback	10'	TBD
Usable Open Space	10 sq. ft. per bedroom	TBD
Maximum Lot Coverage	90%	TBD
Minimum Building Height	2 stories	TBD
Maximum Building Height: See Downtown Height Map	Capitol View Preservation Limit	TBD
Stepback: See Downtown Stepback Map	None	TBD

<b>Other Critical Zoning Items</b>	Urban Design (UMX), Utility Easements
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*Prepared by Jenny Kirchgatter, Assistant 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, Analysis, and Conclusion

The applicant is requesting approval to demolish a twelve-story office building with first-floor commercial space and three levels of underground parking at 131 West Wilson Street. The applicant is not proposing any new development at this time, and submitted plans show the site being graded with gravel. According to the applicant and their letter of intent, a structural condition study and recent inspection reports by engineering consultants hired by the applicant have indicated the integrity of the building is compromised and deteriorating. Over 3,000 steel shoring posts in all three levels of the parking structure were installed in late 2021. The [demolition photos](#) provided by the applicant show the shoring posts in the parking structure, with spalling concrete and exposed rebar. The applicant has stated that permanent repairs exceed the building's value and is therefore seeking to raze the building. Planning staff have not inspected the building, but the Building Inspection Division has been regularly reviewing and inspecting the building.

### Adopted Plan Recommendations

The [Comprehensive Plan](#) (2018) recommends Downtown Core (DC) uses for the subject parcel. The DC recommendation accommodates a wide variety of employment, service, retail, government, residential, and other uses in large-scale buildings that comprise the most intensely developed part of the city. The [Downtown Plan](#) (2012) similarly identifies the site as Downtown Core Mixed Use and places the maximum height at the Capitol View Preservation Limit.

## Demolition Permit Standards

In order to approve a demolition request, the Plan Commission must consider the factors and information specified in §28.185(9)(c) MGO and find 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. The demolition standards also state that 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. At its April 14, 2022 meeting, the Landmarks Commission found that the building at 131 West Wilson Street has historic value related to the context of Madison's built environment and as part of the Madison skyline, but the building itself is not historically significant.

According to City of Madison Building Inspection Division staff, the Building Division understands the property at 131 West Wilson Street is in a significant state of disrepair. The parking garage and building support system has been compromised and is currently temporarily braced to ensure the integrity of the building. The scope of work and costs required to make the permanent repairs to the parking garage that would restore the building to a viable condition are not economically feasible. Given the age of the building and scope of repairs needed, Building Inspection staff believe the structure has reached the end of its useful lifespan and should be demolished.

## Conclusion

The Planning Division believes that the standards for Demolition Permits can be met.

At the time of report writing, staff has received several public comments on this proposal, which have been added to the legislative file for this request. Staff emphasize that the Plan Commission's role is to review the requested demolition against the applicable standards. While much of the public comment has been in regards to existing leases in the building proposed for demolition, staff advises against the Plan Commission establishing conditions related to lease terms between the landlord and tenants, which is understood to be a private matter between those parties and not part of the Plan Commission's jurisdiction

## Recommendation

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

The Planning Division believes that the demolition standards can be found met and recommends that the Plan Commission **approve** the request to demolish a commercial building at 131 West Wilson Street. 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

*Items not directly related to the demolition permit are reference items for future permitted use site plan review*

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

1. 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.

2. Approval of the demolition permit will require the removal of all structures including the principal building, parking garage, driveway and paved areas. The driveway apron shall be removed and replaced with curb and gutter as per City of Madison Engineering and Traffic Engineering requirements. During demolition and prior to curb and gutter, barriers shall be installed across the driveways to prevent the parking of vehicles. Disturbed areas shall be graded and seeded or sod planted to minimize erosion.

**Engineering Division** (Tim Troester, 267-1995)

3. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
4. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
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6. Note a Developers Agreement will be required in the future with the new building construction to reconstruct sidewalk & terrace to establish desirable grades.
7. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>  
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.
8. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at [meberhardt@cityofmadison.com](mailto:meberhardt@cityofmadison.com), or Daniel Olivares (east) at [daolivares@cityofmadison.com](mailto:daolivares@cityofmadison.com), for approval. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>  
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.

**Engineering Division – Mapping Section** (Contact Jeffrey Quamme, 266-4097)

9. Obtain permits as necessary from the Wisconsin Department of Transportation (WisDOT) and associated Railways for any demolition related activities that would require occupying any portion of the Railroad Right-of-Way for any use.

**Traffic Engineering Division** (Contact Sean Malloy, 266-5987)

10. The developer shall work with the City to resolve any demolition-related issues. A detailed demolition plan shall be provided showing all access and staging areas.

**Fire Department** (Contact William Sullivan, 261-9658)

11. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Division Chief Jeff Larson at [jtlarson@cityofmadison.com](mailto:jtlarson@cityofmadison.com) or (608) 2665946.

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

12. 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.

*The Planning Division, Parks Division, Forestry Section, and Metro Transit have reviewed this request and have recommended no conditions of approval.*