



Ald. Juliana Bennett, District 2

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I am appealing the Plan Commission's decision on the 428-444 State Street demolition permit. I came to this decision not only because I believe it is the right thing to do, but also because numerous neighborhood groups and residents are upset with the denial of the demolition permit. The Plan Commission's decision was inconsistent with the demolition standards and should be reviewed for approval by the Madison Common Council.

Plan Commission Decision

On March 25th, the Plan Commission voted to place the demolition permit on file without prejudice based on standard 7¹. The Commission cited that they believed the additional information the applicant provided was insufficient to meet the statement of purpose of the section². More specifically, the Commission was interested in how the demolition permit application did not meet recommendation 75 of the Downtown Plan³.

¹ Standard of Approval 7: The Plan Commission shall consider the factors and information specified in items 1—6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison.

² Section 28.185 Statement of Purpose: Statement of Purpose. It is hereby declared as a matter of public policy that the careful consideration of requests to demolish or remove existing principal buildings is a public necessity and required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section is therefore to ensure the preservation of historic buildings, encourage applicants to strongly consider relocating rather than demolishing existing buildings, aid in the implementation of adopted City plans, maximize the reuse or recycling of materials resulting from a demolition, protect the public from potentially unsafe structures and public nuisances, and require the use of safe and orderly demolition or removal methods.

³ Recommendation 75 of the Downtown Plan: Encourage the preservation, rehabilitation and adaptive reuse of sound older buildings that contribute to the district's character

The Plan Commission failed to consider key elements of each of the standards they cited when making their vote.

Demolition Standard of Approval 7 and Section 28.185 statement of purpose

The Plan Commission failed to consider the “health, prosperity, safety, and welfare of the City of Madison” in Standard 7 and the line in the statement of purpose which reads, “protect the public from potentially unsafe structures and public nuisances.”

The applicant provided numerous photographic evidence of the state of the buildings and during the meeting articulated how repairing the buildings to its original state would be infeasible. As noted in the staff report’s recommendation to pass the demolition permit, “The information submitted by the applicant suggests that the buildings have various deficiencies, including structural and foundation issues, mold, water infiltration, and plumbing concerns.” Having toured each of the buildings, I can personally attest to the dismal state of these buildings and wholeheartedly believe that restoration of the buildings is simply not possible.

When interpreting Standard 7 and Section 28.185, it is the Plan Commission and City of Madison’s responsibility to protect residents from unsafe structures such as 428-444 State Street. These buildings are obviously in a state where visitors and tenants are exposed to numerous health hazards at these buildings. The applicant, staff, and commissioners noted that there is a genuine fear that the structural integrity and water damage to these buildings would result in it collapsing on its own accord - with or without Plan Commission approval.

Recommendation 75 of the Downtown Plan

The Downtown Plan recommends encouraging the preservation, rehabilitation and adaptive reuse of sound older buildings that contribute to the district's character. The key word here is "sound". As noted above, the Plan Commission simply cannot determine that these buildings are sound. A decision that hinges on forcing unsafe and unsound buildings does not meet Recommendation 75.

The commission's decision to retain vacant, unused buildings that are beyond repair is further inconsistent with the Downtown Plan. Objective 4.2 states "Maintain and enhance the State Street district as Madison's premier shopping, dining, entertainment, and cultural destination..." and Recommendation 69 "Support the retention, expansion and establishment of retail businesses that will contribute to the vibrancy of the district and strengthen its attractiveness..." As stated numerous times during the meeting, these buildings have been vacant for numerous years and will remain vacant barring demolition. These buildings are an eyesore to the center area of State Street and detract from the vibrant experience of residents hoping to contribute to State Street's unique shopping and cultural experience.

For these reasons, I am submitting an appeal to the Plan Commission's decision and look forward to hearing it at Common Council.