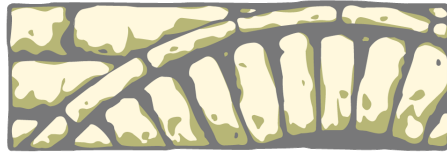


MADISON TRUST



for Historic Preservation

Advocacy News

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Updates regarding the landmarked Old Spring Tavern site and the proposed redevelopment in the 400 block of State Street

By Kurt Stege

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The Proposal to Build on the Old Spring Tavern Site Has Been Renewed

In the first part of May, the Advocacy Committee was quite pleased to learn that an application for a Certificate of Appropriateness from the Landmarks Commission to construct a new home on the site of the locally landmarked Old Spring Tavern had been withdrawn.¹ The Committee had worked with a group of neighbors to develop a strategy to oppose the application. The withdrawal generated a sense of both accomplishment and hope, but it was tempered by a concern that another application would follow.

That concern has now materialized. On July 24, property owners Jon and Brenda Furlow filed a [second application](#) for a similar construction project but with additional supporting material. That application is scheduled to be considered by the Landmarks Commission at its meeting on August 14. A staff report prepared by Preservation Planner Heather Bailey can be expected to be filed late in the previous work week.

The new application includes an extensive hydrology report and several comparisons between the size of the proposed home and the existing Tavern plus its outbuildings.

The Advocacy Committee will be carefully reviewing the new application to identify relevant issues for the Landmarks Commissioners to consider.

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¹ Prior issues of the [Advocacy News](#) provide additional information about efforts to develop a portion of the Old Spring Tavern site.

Duration of a Reprieve for the 400 Block of State Street Is Unclear

One of Madison’s key commissions managing development has provided an indication that for at least one block and for an indefinite period, State Street is still entitled to the designation of Madison’s “premier”² street.

In late June, the Madison Plan Commission took up three issues related to a proposal to demolish three small buildings that border the Link Peace Park in the 400 block of State Street and to insert a six-story mixed use building in their stead. The Plan Commission’s review occurred only after the proposed development had navigated a complicated and lengthy path.

Developer Joe McCormick began preliminary meetings with city staff regarding his proposed project in 2019, but he filed the necessary formal applications early in 2022. The application process typically includes a variety of meetings with city staff on technical issues, but in this case, it also required review by three of Madison’s citizen commissions that apply more general standards to their analysis of a proposed development: Landmarks Commission, Urban Design Commission, and Plan Commission. One aspect of the project, which involved consolidating three parcels of land into a single parcel to be reflected on a Certified Survey Map, also required approval by Madison’s Common Council.



Three buildings on the 400 block of State Street, photo by Kurt Stege.

The Landmarks Commission is responsible for assessing the relative historic value of any building proposed for demolition.³ During a meeting in late January 2022, Landmarks recommended to the Plan Commission that the three buildings pictured above all had historic value. Moving from right to left, the recommendations were that the 1893 Henry Pecher Building (428-30 State St.) and the 1927 Halperin Commercial

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² [Downtown Plan, Madison, Wisconsin](#), p. 44.

³ [Sec. 28.185\(7\)](#), Madison General Ordinances.

Building (432-36) have historic value based on their status as “contributing structures in a potential National Register Historic District” that was proposed in 1995.⁴ The 1962 building at 440-44 State St. has historic value “related to the vernacular context of Madison’s building environment and its intact condition.”

The design of the proposed new building on State Street also had to make its way through the Urban Design Commission (UDC) because of the structure’s location within the “Downtown Core.” The UDC applies certain design guidelines as well as standards found in Madison’s ordinances. The design review process began early in 2022 but required five meetings over 15 months to gain the UDC’s advisory approval before the matter could advance to the Plan Commission.



Development proposal for the 400 block of State Street. Link Peace Park is on the left. Image from [Knothe Bruce Architects document, Render Image 05, X905](#)

The Plan Commission finally took up the demolition application, the conditional use application, and the Certified Survey Map request on June 26, 2023. It is not unusual for the Plan Commission to consider both a demolition application and the related conditional use application at the same meeting. However, the demolition issue is to be addressed first and the commissioners are asked to somehow avoid considering the proposed replacement structure(s) when addressing the question of whether the standards for approving demolition⁵ have been met.

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⁴ Although State Street was found to be eligible for designation as a historic district, property owners were opposed so the effort was not advanced.

⁵ [Sec. 28.185](#), Madison General Ordinances.

The project design architect and two representatives of the Madison Trust offered testimony at the public hearing prior to the Commission's deliberations.

One member of the Plan Commission, Patrick Heck,⁶ was especially familiar with the proposal. He offered a motion to deny demolition, citing the potential consequences of permitting demolitions in what was still an intact block of historic State Street. He expressed concern that allowing these demolitions might trigger proposals to redevelop additional portions of the 400 block as well as along the rest of State Street. He was also familiar with the demolition standards and could articulate how they hadn't been satisfied. The minutes of the Plan Commission reflect the following:

On a motion by Heck, seconded by Sheppard, the Plan Commission found that the standards for approval were not met and placed the demolition permit on file without prejudice. In placing the demolition permit on file, the Plan Commission specifically found that standard #7 was not met: "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 [the demolition ordinance] and with the health, prosperity, safety, and welfare of the City of Madison." In finding that the standard was not met, members cited the statement of purpose in Section 28.185 regarding implementation of approved plans, specifically noting that Recommendation 75 in the Downtown Plan recommends "...the preservation, rehabilitation and adaptive reuse of sound older buildings that contribute to the district's character". The motion to place the demolition permit on file without prejudice passed by voice vote/other.

Placing the demolition permit "on file without prejudice" means that while there was a finding that the standards had not been met, the applicant may advance the same request at any time. Had the placement been "with prejudice," there would have to be a one-year delay before the application could be reconsidered.

The conclusion reached on the demolition issue had the effect of making the conditional use issue premature. Consequently, that request was referred to a future meeting of the Plan Commission, although no meeting date was specified.

The Advocacy Committee has been actively engaged with the proposal for the 400 block since January of 2022 by coordinating appearances before the Landmarks Commission, actively participating in the Neighborhood Steering Committee's deliberations, appearing on several occasions before the Urban Design Commission, and offering testimony and written submissions to the Plan Commission at its meeting on June 26. Our expectation is that the developer will make an effort to collect additional information before continuing to pursue both demolition and conditional use requests for an identical or comparable project next to Link Peace Park.⁷

⁶ Heck served as Alder for this part of State Street in 2022 when McCormick's development proposal had been filed. He attended all the Neighborhood Steering Committee meetings on the project.

⁷ However, in a comment made the day after the Plan Commission's meeting, developer McCormick suggested [the project was "dead."](#) The action by the Common Council on July 11th approving the Certified Survey Map hints otherwise.