



PREPARED FOR THE PLAN COMMISSION

Project Address: 100 North Hamilton Street (District 4 – Alder Verveer)
Application Type: Demolition Permit and Conditional Uses
Legistar File ID # [63211](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Josh Wilcox; GBA; 2248 Deming Way, Suite 120; Middleton, WI 53562

Owner: Madison Children’s Museum, 100 N Hamilton St; Madison, WI 53703

Requested Action: The applicant requests approval of a demolition permit to raze a parking structure and an alteration to an existing a conditional use per §28.074(4) MGO.

Proposal Summary: The applicant proposes to demolish the private parking structure and replace it with outdoor museum exhibit space at 100 North Hamilton Street.

Applicable Regulations & Standards: This proposal is subject to the standards Demolition Permits [§28.185(7) M.G.O.] and Conditional Uses [§28.183(6) M.G.O.].

Review Required By: Urban Design Commission, Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolition permits and conditional uses are met and that the Plan Commission **approve** the request to raze a private parking structure for outdoor museum exhibit area. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies in this report.

Background Information

Parcel Location: The subject property is 25,380 square feet (0.58 acres) and occupies the entire block bounded by North Hamilton Street, North Pinckney Street, and East Dayton Street. The site is in Aldermanic District 4 (Alder Verveer) and is within the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is currently occupied by the five-story Madison Children’s Museum and its attached parking structure. The site is zoned DC (Downtown Core district).

Surrounding Land Use and Zoning:

East: Across Hamilton Street, an 11-story condominium and a three-story mixed-use building, both zoned PD (Planned Development district), and a two-story restaurant building zoned DC (Downtown Core district);

Southwest: Across Pinckney Street, a 10-story office building and a private parking structure, zoned DC; and

Northwest: Across Dayton Street, small multifamily buildings zone DR1 (Downtown Residential 1 district) and UOR (Urban Office-Residential district)

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) identifies this site as Downtown Core. The [Downtown Plan](#) (2012) identifies this area as the site as Downtown Core Mixed-Use, and places it within the Downtown Core neighborhood.

Zoning Summary: The property is zoned Downtown Core (DC).

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	23,580
Lot Width	None	300 ft
Front Yard Setback	15 ft (Hamilton St Stepback)	Existing, no change
Side Yard Setback	None	Existing, no change
Rear Yard Setback	None	Existing, no change
Maximum Lot Coverage	None	75%
Maximum Building Height	6 stories	Existing, no change

Site Design	Required	Proposed
Number Parking Stalls	No minimum	0
Accessible Stalls	None	0
Loading	No	No
Number Bike Parking Stalls	1 per 2,000 sq ft floor area	0 (see Zoning comment 1)
Landscaping	Yes	Yes (see Zoning comment 2)
Lighting	No	Yes
Building Forms	Yes	Existing, no change

Other Critical Zoning Items	Urban Design (Downtown Core), Utility Easements
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Tables Prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The property 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

The applicant, representing the Madison Children’s Museum, requests approval of a demolition permit to raze and existing one-story parking structure and associated loading area that serves the Madison Children's Museum. The parking structure, located on the north side of the museum, is proposed to be replaced with exhibit space built at grade and a rebuilt loading area to serve the museum. A new perimeter fence and gate system is proposed to be installed above the existing retaining walls. The lower ground level is intended to be programmed by the Museum with a mix of exhibit zones, new restrooms, and storage and egress. The existing log cabin that currently occupies the top deck of the parking structure is proposed to be relocated to the northernmost corner as a feature elements. Other exhibit areas are expected to evolve and change over time.

A proposed elevated loading area includes handicap parking, bicycle parking, egress routes, and a trash enclosure. Total vehicle parking in the project area is four vehicles. Eight new bicycle stalls are also proposed to be included.

The Madison Children's Museum is currently closed to the public due to the COVID 19 pandemic. Prior to closing, the Museum's hours of operation were generally 9:30 a.m. to 5 p.m., Tuesday through Sunday, with some special evening events extending until 11 p.m. Proposed hours of operation will be evaluated when the Museum again opens to the public, but the applicant has indicated hours are anticipated to be similar to those identified above.

If approved, demolition is proposed to commence in February 2021, with project completion by July 2021.

Project Analysis & Conclusion

The applicant requests approval of a demolition permit and an alteration to an existing conditional use. This section will analyze this proposal and these requests individually. It begins with a review of adopted plans before an analysis of the demolition permit and conditional use standards.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) identifies this site as Downtown Core. The [Downtown Plan](#) (2012) identifies this area as the site as Downtown Core Mixed-Use, and places it within the Downtown Core neighborhood. According to these plans, the Downtown Core is the nucleus of downtown and accommodates a wide variety of office, employment, retail, government, residential, and other uses in larger-scale buildings that comprise the most densely developed part of the city. The plans anticipate continued expansion of a mix of uses, such as employment, retail, entertainment, cultural, and residential.

Demolition and Removal Standards

As noted in Section 28.185(7) MGO, in order to approve a demolition permit, the Plan Commission must find that the requested demolitions and proposed use are compatible with the purpose of the demolition section and the intent and purpose of the zoning districts. The Downtown Core district is established to recognize the Capitol Square, the State Street corridor, and surrounding properties as the center of governmental, office, educational, cultural, specialty retail and recreational activities for the City and the region. This district is intended to allow intensive development with high-quality architecture and urban design.

The Plan Commission shall also consider any reports from the Landmark Commission and Historic Preservation Planner when determining whether the demolition standards are met. The City Preservation Planner reviewed this request administratively and found that the parking structure for 100 N Hamilton Street has no known historic value. The Preservation Planner's report to the Plan Commission is [attached](#).

Staff believes the Plan Commission can find the demolition standards are met with this proposal.

Conditional Use Approval Standards

The Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) MGO are met. Staff advises the Plan Commission that in evaluating the conditional use standards, State law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

The primary structure and location of the principal use on the entire block is not identified for any changes. The removal of the parking structure result in the relocation of the outdoor exhibit areas and loading zones, but do not

change the presence of these uses. Museum representatives have also indicated additional changes to the outdoor area will be pursued in the future, requiring additional conditional use review.

Due to these factors, Staff does not believe the proposal will have significant impacts on the Downtown area. Staff believes the Plan Commission can find the applicable conditional use approval standards can be met.

Urban Design

In the DC district, design review is required for new construction, additions, or exterior changes. While minor alterations may be approved by the DPCE Director, §28.074(4) MGO states that alterations not approved as a minor alteration “shall be approved by the Urban Design Commission based on the design standards in §28.071(3) MGO and the Downtown Urban Design Guidelines.” At its January 13, 2021 meeting, the Urban Design Commission granted final approval to [this item](#), requesting consideration about the datum on the fence and decorative features and aesthetic consideration of the saw cut wall.

Conclusion

The applicant requests approval of a demolition permit to raze and existing one-story parking structure and associated loading area that serves the Madison Children's Museum, and to replace the outdoor exhibit and loading areas. In considering the recommendations of the [Downtown Plan](#) and impacts to Downtown, Staff believes the standards for demolition permits and conditional uses can be found met.

At time of report publication, staff is unaware of any public input.

Recommendation

Planning Division Recommendation (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends that the Plan Commission find that the standards for demolition permits and conditional uses are met and that the Plan Commission **approve** the request to raze a private parking structure for outdoor museum exhibit area. This recommendation is subject to input at the public hearing and the following conditions recommended by reviewing agencies:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4560)

1. A bicycle parking reduction will be required per Section 28.141(5). Submit a request for a parking reduction with the final plan submittal including information to support the argument for reducing the required number of spaces.
2. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.

Engineering Division (Contact Brenda Stanley, (608) 261-9127)

3. Plans currently do not include a utility plan sheet. Applicant shall revise plans to include a plan sheet showing the proposed utility improvements and abandonments for the project.
4. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact City Engineering to schedule the development and approval of the plans and the agreement. (MGO 16.23(9)c)
5. Construct sidewalk, terrace, curb, pavement to a plan as approved by City Engineer
6. 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))
7. 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))
8. Current plan shows less than 4,000 sf disturbed area. If plans are not revised, no Erosion Control or Storm Water Management Permits will be required.
9. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
10. 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)
11. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.
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>
This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)
This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

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 Jeff Quamme, (608) 266-4097)

12. Clearly show the property lines around this property on the site plan. Any portion of the parking structure to remain, planter and the existing building shall be identified that are within any public right of way. The encroachments have been graphically shown on this plan and on previous surveys. Make an application with City of Madison Real Estate for a privilege in streets agreement. Link as follows - <http://www.cityofmadison.com/developmentcenter/landdevelopment/streetencroachment.cfm>.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

13. The existing driveway approaches on North Hamilton Street and East Dayton Street shall be removed and replaced with curb and gutter and noted on the plan. The applicant shall enter into a signed developer's agreement through City of Madison Engineering prior to sign off.
14. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
15. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
16. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
17. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
18. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
19. The applicant shall provide a clearly defined 5' walkway from the front door to the public Right of Way clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually

impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.

20. Applicant shall submit for review a drop off and pickup plan.
21. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the Public Right-of-Way on North Hamilton Street and East Dayton Street will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist (Mike Duhr) prior to final signoff.

Forestry Section (Contact Brad Hoffman, (608) 267-4908)

22. 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 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.
23. 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 (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 plan set.
24. No later than five business days prior to forming concrete and constructing tree grate sites, the Contractor shall contact City Forestry at (608) 266-4816 to identify and locate underground conflicts (utilities, vaults, conduit) or other underground obstructions and determine grate locations. Tree grate type: Neenah 4x8 (R8815-A). Tree guard Neenah (R-8501-4818). Add as a note on the plan set.
25. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan (in PDF format) shall be submitted City Forestry for approval of planting locations and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note to plan: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.
26. 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 the plan set.
27. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on the plan set.

28. Contractor shall contact City Forestry at 266-4816 to schedule delivery of salvaged tree grates to City Forestry facility. Add as a note on the plan set.
29. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction 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 the plan set.
30. 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 plan set.
31. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. 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.

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

32. A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

The Fire Department, Parks Division, and Metro Transit have reviewed this request and have recommended no conditions of approval.