



Project Address: 501 E Badger Road (14th Alder District – Ald. Carter)
Application Type: Demolition Permit and Conditional Use
Legistar File ID #: [66550](#)
Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Kirk Lewis; Eppstein Uhen Architects; 309 W Johnson Street, Suite 202; Madison, WI 53703

Property Owner: Brandon Halverson; Madison Metropolitan School District; 545 Dayton Street; Madison, WI 53703

Requested Action: Consideration of a demolition permit to allow a street-facing façade to be demolished, and conditional use for nonresidential development immediately adjacent to the boundary of a City-owned public park - in order to partially renovate Badger Rock Middle School and construct an addition to house the Southside Elementary School at 501 E Badger Road.

Proposal Summary: The applicant is seeking approval to renovate the existing Badger Rock Middle School and construct an addition to house the Southside Elementary School. The construction of the three-story, roughly 70,000-square-foot addition is proposed along the entire western façade of the existing building as well as along the majority of the northern façade, requiring existing portions of those façades to be demolished. As a result of the entire existing western façade being demolished, a technical demolition permit requirement is triggered.

Applicable Regulations & Standards: This proposal is subject to the standards for demolition permits pursuant to Section 28.185(7), M.G.O. It is also subject to the standards for Conditional Uses [M.G.O. §28.183(6)] as Section 28.139 states “*Nonresidential development immediately adjacent to the boundary of a City-owned public park shall be reviewed as a conditional use.*”

Review Required By: Urban Design Commission and Plan Commission.

Summary Recommendations: The Planning Division recommends that the Plan Commission find the standards met and **approve** the demolition permit to allow a street-facing façade to be demolished, and conditional use for nonresidential development immediately adjacent to the boundary of a City-owned public park - in order to partially renovate Badger Rock Middle School and construct an addition to house the Southside Elementary School at 501 E Badger Road. This recommendation is subject to input at the public hearing and the conditions from reviewing agencies in this report.

Background Information

Parcel Location: The subject site is a 167,913-square-foot (3.85-acre) parcel is located on the south side of E Badger Road, between Rimrock Road and Dunwoody Drive. It is within Alder District 14 (Ald. Carter) and the Madison Municipal School District.

Existing Conditions and Land Use: The site is currently home to the Badger Rock Middle School, with the rezoning approved by the Common Council in 2010. (Legistar File # [20138](#)) The existing school building is roughly 20,000 square-feet and two stories in height. The building is located in the middle of the site with gardens planted to the

north, east, and south. The site has two access points from E Badger Road – the first, located at the northwest corner of the site, leads to automobile parking stalls located along the western property line while the second, located roughly 250 feet to the east, leads to automobile parking stalls located just to the southeast of the building. The site is zoned CC-T (Commercial Corridor – Transitional District).

Surrounding Land Uses and Zoning:

- North: Across E Badger Road is a car dealership, zoned CC (Commercial Center) District;
- South: To the southwest is the City’s Badger Park and to the southeast are two-units and a condominium. All are located in the SR-C3 (Suburban Residential – Consistent 3) District;
- East: Single-family residences in the SR-C1 (Suburban Residential – Consistent 1) District;
- West: A city-owned parcel for stormwater, zoned CN (Conservation) District, beyond which, and across Rimrock Road, is an auto dealer (in the Town of Madison).

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends General Commercial (GC) uses for the subject site.

Zoning Summary: The subject property is zoned CC-T (Commercial Corridor – Transitional District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	None	167,913
Lot Width	None	436 ft
Front Yard Setback	None	16 ft
Max. Front Yard Setback	25 ft	16 ft
Side Yard Setback	None	80 ft
Rear Yard Setback	20 ft	77 ft
Maximum Lot Coverage	85%	60%

Site Design	Required	Proposed
Number Parking Stalls	No minimum	37 stalls
Accessible Stalls	2	2
Loading	No	No
Number Bike Parking Stalls	1 space per 5 students	None <i>(See Comment #27)</i>
Landscaping	Yes	Yes <i>(See Comment #28)</i>
Lighting	No	No <i>(See Comment #29)</i>
Building Forms	Yes	Civic Building

Other Critical Zoning Items	Urban Design (Public Building); Adjacent to a Park; Utility Easements
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Tables prepared by Jacob Moskowitz, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services. Metro Transit operates daily all-day transit service along Rimrock Road adjacent this property - with trips at least every 30 minutes.

Related Approvals

The Urban Design Commission is an approving body for improvements to public buildings. At their meeting on September 1, 2021, the Urban Design Commission granted this proposal final approval. (Legistar File # [66692](#)). Their approval motion included the recommendation to consider changing the tree species from Pin Oak to Kentucky Coffee or Swamp White Oak and look at the ramping conditions at the northwest corner.

Project Description

The applicant is seeking approval to renovate the existing Badger Rock Middle School building and construct a three-story, roughly 70,000-square-foot, "L"-shaped addition which will run along the building's western and northern facades and house the Southside Elementary School. In order to construct this addition, the entire western façade as well as majority of the northern façade of the existing building will need to be demolished. This necessitates a demolition permit review since the Zoning Code defines a demolition, in part, as *"An act or process that removes, pulls down, tears down, razes, deconstructs, or destroys an existing building wall facing a public street."*

As stated in the submittal materials, the three-story addition will house the Southside Elementary School, which will serve Grades 4K through 5. The addition will include classrooms, a library, offices, roof-top garden area with skylight, and a gymnasium. The enrollment of the Southside Elementary School is anticipated to be around 565 students whereas the enrollment of Badger Rock Middle School is anticipated to be 100-120.

Regarding exterior materials, the existing building is clad with brick, cement board, and metal panels. With the aim of complimenting the material and color palette of the existing building, the addition will be clad primarily with reddish and almond-colored brick. A pewter-colored brick and light grey metal paneling will be used as accent materials. Large curtain wall and stormfront windows will be utilized throughout. All rooftop mechanicals will be screened with metal paneling.

The site will continue to have the two access points along E Badger Road. The western access point will lead to a looped drive aisle with 17 automobile parking stalls for visitors and a drop-off area (for both schools) along the western façade. The eastern drive aisle will be widened and lead to 26 stalls, increased from the eight which current exist to the southeast of the building. These stalls will be primarily for administration, faculty, and staff of the two schools.

Other site changes consist of 1) the addition of a 10,000 square-foot playground area to the south of the addition (it will be enclosed by a fence); 2) the addition of large bioretention areas at the southwest and northeast corners of the site; and 3) the rearrangement of the garden/agricultural areas and associated structures on site to accommodate the redesigned eastern parking area and bioretention areas.

The applicant has stated that they aim to commence construction next summer and plan keep the existing school operational during construction.

Analysis & Conclusion

This request is subject to the standards for demolition permits and conditional uses. This section begins with adopted plan recommendations, and includes analysis of the demolition and conditional use approval standards.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends General Commercial (GC) uses for the subject site. General Commercial areas provide a wide range of retail goods and services, including business and professional offices. The Comprehensive Plan notes, “Depending on their location, GC areas may provide some supporting uses to adjacent neighborhoods.” The Planning Division believes the proposal could be found to be compatible with adopted plan recommendations.

While the plan, in 2010, was to construct a future addition, which would increase the size and uses of the Resilient Research Center (which included the Badger Rock charter middle school, a neighborhood center, office and retail with outdoor eating area and aquaculture), only Phase 1, which included just the middle school, was ever constructed. However, staff believe that the proposed addition of the Southside Elementary School is largely consistent with the 2010 proposal (in terms of the building massing and the educational uses). Staff believe the addition of the elementary school is compatible with the existing uses on site.

Demolition Permit Standards

Per M.G.O. §28.185(7)(b), the Plan Commission must find that both the requested demolition and the proposed future use are compatible with the purpose of the demolition section and the intent and purpose expressed in the Zoning Code for the Commercial Corridor – Transitional zoning district. Regarding the later, the Statement of Purpose for the CC-T District states that the district *“The CC-T District is established to recognize the many commercial corridors within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use corridors that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity. The district is also intended to: (a) Improve the quality of landscaping, site design and urban design along these corridors. (b) Maintain the viability of existing residential uses located along predominantly commercial corridors. (c) Encourage appropriate transitions between higher-intensity uses along commercial corridors and adjacent lower-density residential districts. (d) Facilitate preservation development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans. (e) Structured parking is encouraged.”*

Furthermore, the proposed use following demolition or removal should be compatible with adopted neighborhood plans and the [Comprehensive Plan](#). Those recommendations are outlined above. 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. The Landmarks Commission reviewed the proposed demolition at its July 26, 2021 meeting and found that the existing building at 501 E Badger Road *“has no known historic value.”* That said, considering the plan recommendations, the intent and purpose of the CC-T District, and the recommendation from the Landmarks Commission, staff believes the demolition permit standards of approval can be found met.

Conditional Use Standards

This proposal requires conditional use consideration as Section 28.139 states *“Nonresidential development immediately adjacent to the boundary of a City-owned public park shall be reviewed as a conditional use.”* In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met.

Given the Urban Design Commission’s approval of this public building, the fact that Staff believe this proposal conforms to the adopted plan recommendations, and the lack of concerns about the traffic impacts raised by Traffic Engineering, the Planning Division believes that the Conditional Use Approval Standards can be found met.

Supplemental Regulations

According to Table 28F-2 in MGO §28.082, *Public and Private Schools* must adhere to the Supplemental Regulations found in MGO §28.151. For these uses, there are the following two supplemental regulations:

- (a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Staff believes the Supplemental Regulations can be found met. Staff note that: 1) E Badger Road is classified as collector street, and 2) the screening of adjacent properties was addressed as part of the 2010 development of the subject property with the addition of six-foot tall wooden fencing along all property boundaries bordering residential properties.

Public Input

At the time of report writing, staff did not receive any public comment on this proposal.

Conclusion

Given the proposal’s compatibility with the Comprehensive Plan’s recommendations, the approval by the Urban Design Commission, the findings of the Landmarks Commission related to the demolition, and the satisfying of the applicable supplemental regulations, the Planning Division believes that the Approval Standards for Demolition Permits and Conditional Uses can be found met.

Recommendation

Planning Division Recommendations (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find the standards met and **approve** the demolition permit to allow a street-facing façade to be demolished, and conditional use for nonresidential development immediately adjacent to the boundary of a City-owned public park - in order to partially renovate Badger Rock Middle School and construct an addition to house the Southside Elementary School at 501 E Badger Road. This recommendation is subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval: Major/Non-Standard Conditions are Shaded

Planning Division (Contact Chris Wells, (608) 261-9135)

1. Based on the advisory site design/landscape comments from the Urban Design Commission, it is recommended that the applicant change the tree species from Pin Oak to Kentucky Coffee or Swamp White Oak and to look at the ramping conditions at the northwest corner.

City Engineering Division (Contact Timothy Troester, 608-267-1995)

2. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
3. 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)
4. Construct multi-use path connection, asphalt, curb and gutter, terrace & sidewalk to a plan as approved by City Engineer
5. 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))
6. Obtain a permit to Excavate in the Right-of-Way for the connection and/or installation of utilities/storm sewer required to serve this project and shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO 10.05(6)), MGO 35.02(4)(c)(2)), and MGO 37.05(7)
7. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
8. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.

9. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
10. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>.

The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.

11. Revise the site plans to show the location, depth, type, and size of existing and proposed private utilities (gas, electric, phone, steam, chilled water, etc.) in the project area or the adjacent right-of-way. (POLICY)
12. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
13. 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, or Daniel Olivares (east) at 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>

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.

14. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

Rate Control: The applicant shall provide calculations and treatment such that the proposed site discharges at a 15% lower discharge than the current site in a 10-year event.

Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

TSS Redevelopment with TMDL: Reduce TSS by 80% off of the proposed development when compared with the existing site.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window
Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

15. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
16. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

City Engineering Division – Mapping Section (Contact Eric Peterson, (608) 266-4097)

17. Revise applicable plan sheet(s) to clarify the proposed relocation of the existing 10ft wide asphalt recreational trail as "private".

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

18. 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.

19. 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.
20. 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.
21. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
22. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
23. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
24. 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.
25. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
26. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.

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

27. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 1 short-term bicycle parking stall per 5 students located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
28. 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.

29. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
30. All new additions must comply with Sec. 28.129 Bird-Safe Glass Requirements. Submit window details showing compliance with this section.
31. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

32. Provide Fire Access Lanes in accordance with MGO 34 and the IFC.

Forestry (Contact Bradley Hofmann, (608) 267-4908)

33. 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.
34. 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.
35. 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.
36. Contractor shall contact City Forestry at 266-4816 to issue a street tree removal permit for 4 Locust trees due to for proposed asphalt bump out. Add as a note on the plan set.

The following agencies reviewed this request and have recommended no conditions of approval:

Parks; Water Utility; Metro