

PLANNING DIVISION STAFF REPORT

March 25, 2024

PREPARED FOR THE PLAN COMMISSION



Project Address: 633-711 West Badger Road (District 14 – Alder Knox)
Application Type: Zoning Map Amendment, Demolition Permit
Legistar File ID # [81559](#), [81954](#)
Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Dr. Alexander Gee, Jr.; The Center for Black Excellence & Culture, Inc.; 655 West Badger Road; Madison, WI 53713
Contact: Joseph Lee; JLA Architects; 800 West Broadway – Ste 200; Monona, WI 53713
Property Owner: Fountain of Life Ministries, Inc.; 655 West Badger Road; Madison, WI 53713

Requested Action: The applicant is seeking approval of a zoning map amendment to change the zoning at 633-711 West Badger Road from SR-V2 (Suburban Residential-Varied 2) District and CC-T (Commercial Corridor - Transitional) District to CC-T and demolition of the building at 655 West Badger Road.

Proposal Summary: The applicant is seeking approval to demolish a two-story commercial building at 655 West Badger Road and approval to rezone the resulting lots from SR-V2 and CC-T to CC-T to allow future construction of a community center on one lot of the two lots recently created by CSM.

Applicable Regulations & Standards: Standards of approval for demolition permits are found in §28.185(6) M.G.O. Standards for zoning map amendments are found in §28.182(6) M.G.O.

Review Required By: Plan Commission, Common Council

Summary Recommendations: The Planning Division recommends the following to the Plan Commission regarding the applications for 633-711 West Badger Road. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find that the standards for demolition permits are met to **approve** demolition of the building at 655 West Badger Road, subject to the conditions from reviewing agencies beginning on page 5;
- That the Plan Commission forward the zoning map amendment from SR-V2 and CC-T to CC-T to Common Council with a recommendation to **approve**, subject to the conditions from reviewing agencies beginning on page 5;

Background Information

Parcel Location: The total subject site, currently two parcels, is 5.28 acres and located on the south side of West Badger Road, directly north of the Beltline Highway and directly west of the WisDOT rail line. The site is within Alder District 14 (Alder Knox) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The existing smaller (0.9 acres) western parcel addressed as 611 West Badger Road is currently unoccupied and zoned CC-T. The larger (4.6 acres) eastern existing parcel is zoned SR-V2 and developed with a church (633 West Badger Road) and a small two-story office building (655 West Badger Road).

Surrounding Land Uses and Zoning:

- North: Across West Badger Road, small two-story mixed-use buildings zoned CC-T and numerous multifamily residential buildings zoned SR-V2;
- West: One-story fast-food restaurant with drive-through zoned CC-T;
- South: West Beltline Highway, with City of Fitchburg beyond; and
- East: WisDOT railroad and Badger Road/Beltline right-of-way, all zoned A (Agriculture district).

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Medium Residential (MR) for the eastern three quarters of the site and Community Mixed Use (CMU) for the western quarter of the site. The [South Madison Plan](#) (2022) recommends no changes to the Comprehensive Plan generalized future land use map.

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

Requirements	Required	Proposed
Front Yard Setback	0’ or 5’	TBD
Max. Front Yard Setback: TOD	20’	TBD
Side Yard Setback: Where buildings abut residentially-zoned lots at side lot line	Minimum side yard required in the adjacent residential district (SR-V2): 6’	TBD
Rear Yard Setback	The lesser of 20% of lot depth or 20’	TBD
Usable Open Space	Not required	TBD
Maximum Lot Coverage	85%	TBD
Minimum Building Height: TOD	2 stories	TBD
Maximum Building Height	5 stories/78’	TBD

Other Critical Zoning Items	Utility Easements, TOD Overlay
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Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services.

Project Description

The applicant is seeking approval of a demolition permit for an office building at 655 West Badger Road, a Certified Survey Map to create two lots from two existing parcels, a zoning map amendment to change the zoning of the entire site from SR-V2 (Suburban Residential-Varied 2 district) and CC-T (Commercial Corridor – Transitional district) to CC-T.

As part of the original application, the applicant also proposed to create one new 1.88-acre lot for the existing church at 633 West Badger Road and a second larger 3.39-acre lot for a future community center to the west. The entirety of both lots are proposed to be zoned CC-T. The resolution approving the CSM was adopted by Common Council on March 19, 2024.

The [demolition photos](#) (beginning page 9) submitted by the applicant show a building that appears to be a somewhat dated small office building, but staff is unaware of any specific structural deficiencies in the building. Planning staff have not inspected the building.

Following demolition, the applicant intends to build a three-story 45,000-square foot community center with office space, classrooms, and gathering spaces on Lot 2. The proposed community center is a permitted use in the CC-T district and is not before the Plan Commission for approval.

According to the letter of intent, the applicant intends to start demolition in June 2024 with project completion by the end of 2025.

Analysis & Conclusion

This request is subject to the standards for zoning map amendments, demolition permits, and certified survey maps. This section begins with a summary of adopted plan recommendations, followed by zoning map amendment standards, demolition permit standards, and finally a conclusion.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Medium Residential (MR) for the eastern three quarters of the site and Community Mixed Use (CMU) for the western quarter of the site. The [South Madison Plan](#) (2022) recommends no changes to the Comprehensive Plan generalized future land use map. The MR category includes a variety of relatively intense housing types, but may also include nonresidential uses such as places of assembly, places of worship, and civic facilities like libraries and community centers. The CMU category includes existing and planned areas supporting an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole. Buildings in the MR and CMU categories can generally be up to five and six stories, respectively.

Zoning Map Amendment Standards

The Zoning Map Amendment standards, found in 28.182(6), M.G.O. state that such amendments are legislative decisions of the Common Council that shall be based on public health, safety, and welfare, shall be consistent with the [Comprehensive Plan](#), and shall comply with Wisconsin and federal law. Chapter 66.1001(3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's Comprehensive Plan. 2010 Wisconsin Act 372 clarified "consistent with" as "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan." The requested CC-T zoning district is consistent with the CMU land use category, and while it extends eastward over some of the MR-designated lands in the generalized future land use map, the [Comprehensive Plan](#) does note that "the mapped land use categories are necessarily somewhat general." Staff believe that the Plan Commission can find the requested zoning map amendment is consistent with the [Comprehensive Plan](#).

Demolition Permit Standards

At its October 5, 2021 meeting, the Common Council adopted Ordinance 21-00065 (ID [67074](#)) to revise the standards and process for demolition and removal permits in Section 28.185 of the Zoning Code to remove approval of proposed future use as a factor in approving demolition requests. In order to approve a demolition request under the revised standards, the Plan Commission shall consider the seven approval standards in §28.185(9)(c) M.G.O. when making a determination regarding demolition requests. The factors include a finding

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 Planning Division believes that the standards for Demolition Permits can be met, but provides the following comments regarding standard 4, *"That the Plan Commission has received and considered the report of the City's Historic Preservation Planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission."* At its February 12, 2024 meeting, the Landmarks Commission found that the existing building at 655 West Badger Road has no known historical value. Staff believes that all other applicable demolition permit standards of approval can be found met.

Conclusion

Staff believes that the proposed zoning map amendment from SR-V2 and CC-T to CC-T can be found to be consistent with the recommendations in the South Madison Plan and Comprehensive Plan. Further, staff believes that the standards of approval for demolition permits can be found to be met.

At time of writing, Staff is unaware of any public comment regarding the proposal.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends the following to the Plan Commission regarding the applications for 633-711 West Badger Road. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

- That the Plan Commission find that the standards for demolition permits are met to **approve** demolition of the building at 655 West Badger Road, subject to the conditions from reviewing agencies beginning on page 5;
- That the Plan Commission forward the zoning map amendment from SR-V2 and CC-T to CC-T to Common Council with a recommendation to **approve**, subject to the conditions from reviewing agencies beginning on page 5;

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

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

1. Section 28.185(9)(b) 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)(b) shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for two (2) years from the date of the Plan Commission approval.
2. Following approval of the demolition, a permitted use site plan review will be required for the proposed community center.

City Engineering Division (Contact Tim Troester, 267-1995)

3. Applicant shall revise plan to show where the existing sanitary sewer lateral is located that serves the existing Fountain of Life Covenant Church. If the lateral is located below the proposed building applicant will be required to relocate the sewer lateral so that it is located outside of the proposed building footprint. If lateral crossed lot being developed, applicant shall dedicate a private sanitary sewer easement on the proposed CSM. Accela Record ID LNDSCSM-2024-00002.
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 & gutter & pavement to a plan as approved by City Engineer
6. 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))
7. 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)
8. Each lot shall have a separate sanitary sewer lateral.
9. 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>
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.

City Engineering Division – Mapping Section (Contact Julius Smith, 264-9276)

10. Provide for review, comprehensive reciprocal easements and agreements including, but not limited to, access, parking, utilities, common areas, storm management that are necessary to accomplish the land division or site development as proposed prior to final sign off. The document(s) shall be executed and recorded immediately subsequent to the CSM recording and prior to building permit issuance.
11. The address of the proposed building is 671 W Badger Rd. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
12. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction.

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

13. The applicant shall dedicate Right of Way or grant a Public Sidewalk Easement for and be responsible for the construction of a minimum five (5)-foot wide sidewalk, eight (8)-foot terrace, and additional one (1) foot for maintenance, where applicable, along their site's frontage of West Badger Road.
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 parking facility design shall conform to MGO standards, as set in section 10.08(6).
18. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
19. 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.
20. 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.
21. "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.
22. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.

23. Applicant shall submit for review a Commercial Delivery Plan. This plan will include times, vehicle size, use of loading zones and all related turning movements.
24. The applicant shall provide a clearly defined 5' walkway 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.

Water Utility (Contact Jeff Belshaw, 261-9835)

25. The CSM for this project will result in Lot 1's water service to be located on Lot 2's parcel. It is recommended that an agreement shall be established between the owner of Lot 1 and Lot 2 as to the ownership and responsibility of this water service.
26. 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.

Metro Transit (Contact Tim Sobota, 261-4289)

27. In coordination with public works improvements, the applicant shall replace the concrete boarding pad surface at the existing Metro bus stop on the south side of West Badger Road, adjacent the property (#0287).
28. To facilitate City transit planning efforts, the applicant shall identify the accessible pedestrian connection between the building entrance(s) and the public sidewalks and accessible concrete bus boarding pad surfaces.
29. The applicant shall include the location of these facilities on the final documents filed with their permit application, so that Metro Transit may review and effectively plan for City transit access at this property.
30. Metro Transit operates daily all-day transit service along West Badger Road adjacent this property - with trips at least every 30 minutes. Additional service operates thru the South Transfer facility on South Park Street near this property - with trips at least every 30 minutes (every 15 minutes or less during the day on weekdays and Saturdays).
31. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 155 Weekday & 136 Weekend. Please contact Metro Transit if additional analysis would be of interest.

Parking Utility (Contact Trent Schultz, 246-5806)

32. The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required as part of demolition approval. A TDM Plan may be required as part of future development review.

The Planning Division, Fire Department, Parks Division, and Forestry Section have reviewed this request and has recommended no conditions of approval.