



Project Addresses: 124-126 State Street/115 W Dayton Street
Application Type: Zoning Map Amendment
Legistar File ID # [89376](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Colin Smith, JD McCormick Properties/Cox Rentals, LLC; 101 N Mills Street; Madison.

Requested Actions: Consideration of a request to rezone 124-126 State Street from PD (Planned Development District) to DC (Downtown Core District).

Proposal Summary: The applicant and property owner are requesting to rezone a 2,783 square-foot parcel addressed as 115 W Dayton Street containing a two-story mixed-use building at 124 State Street and a three-story mixed-use building at 126 State to DC. The rezoning to DC will allow the existing commercial and residential uses in the buildings to continue. No proposals to demolish the buildings or for new construction are pending at this time.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments.

Review Required By: Plan Commission and Common Council.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00726, rezoning 124-126 State Street from PD to DC, to the Common Council with a recommendation of **approval** subject to input at the public hearing. No conditions of approval are recommended for this rezoning request.

Background Information

Parcel Location: The subject site is a 2,783 square-foot (0.063-acre) parcel with frontage on the north side of State Street and southeasterly side of W Dayton Street; Alder District 4 (Verveer); Madison Metropolitan School District.

Existing Conditions and Land Use: The two-story mixed-use building at 124 State Street was constructed in 1904 and includes ground floor commercial space and apartments on the second floor. The three three-story mixed-use building at 126 State was built in 1908 and includes first floor commercial space and four apartments on the upper two floors. The site is zoned PD.

Surrounding Land Uses and Zoning: The subject site is bounded on the east by a six-story retail/office building at 122 State Street and by two-story commercial buildings at 128 and 130 State Street. The blockface across State Street from the subject site is comprised of two- and four-story commercial and mixed-use buildings. The land opposite the W Dayton Street frontage is developed with the City's State Street-Capitol Parking Ramp. The adjacent and opposing buildings fronting onto State Street are zoned DC (Downtown Core District), as are the Concourse Hotel and Capitol Square buildings. Buildings across W Dayton Street are zoned UMX (Urban Mixed-Use District).

Adopted Land Use Plan: The 2012 [Downtown Plan](#) includes the subject site and flatiron block of State Street, W Dayton Street and N Carroll Street in the “State Street” District. The Plan recommends that the subject site and properties west of N Carroll Street be developed with Downtown Mixed-Uses. The Plan seeks to maintain and enhance the “unique,” “vibrant,” “special,” and “intimate” character of the State Street District as the City’s “premier” destination for shopping, dining, culture and entertainment by reinforcing the pedestrian-scale of the district and “human-scale” developments that promote synergy and interaction (Objective 4.2).

Zoning Summary: The subject site will be zoned DC (Downtown Core District).

Requirements		Required	Proposed
Maximum Building Height		Two stories at State Street; four stories beginning 30’ from State St	Existing; no change proposed
Auto Parking		None; Central Area	0
Electric Vehicle (EV) Stalls		N/A	---
Accessible Stalls		Yes	0
Bike Parking		Existing	0
Loading		None	0
Building Forms		Commercial Block Building	Existing; no change proposed
Other Critical Zoning Items			
Yes:	Urban Design (DC zoning), Utility Easements, Barrier Free		
No:	Adjacent to Landmark, Floodplain, Wellhead Protection, Waterfront Development, Adjacent to Park		
Prepared by: Planning and Zoning staff			

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, including seven-day Metro Transit service along State Street and Capitol Square throughout Metro’s service day.

Previous Approval

On September 25, 2018, the Common Council approved a request to rezone three parcels totaling 0.3 acres at 118-126 State Street from DC (Downtown Core District) to PD (Planned Development District) and approved a General Development Plan and Specific Implementation Plan to construct a nine-story, 133-room hotel with first floor restaurant and rooftop lounge. On September 17, 2018 meeting, the Plan Commission approved a demolition permit for 118, 122, 124, and 126 State Street and recommended approval of the proposed PD zoning for the hotel to the Common Council.

Related Approval

On January 9, 2024, the Common Council approved a request to rezone 118 State Street from PD to DC. On December 11, 2023, the Plan Commission found the standards met and approved a conditional use for a nightclub in the building subject to conditions, and recommended approval of the rezoning of the site to the Council.

Project Description, Analysis & Conclusion

The applicant is requesting approval of a request to rezone a 2,783 square-foot parcel addressed as 115 W Dayton Street back to the DC zoning that the site and two other parcels to its east had before the three parcels were rezoned to PD in September 2018 for a redevelopment proposal that did not proceed. The subject parcel is developed with a two-story mixed-use building addressed as 124 State Street and a three-story mixed-use building at 126 State.

Section 28.098(5)(c) of the Zoning Code stipulates that if a Planned Development General Development Plan and Specific Implementation Plan approved at the same time are not recorded as approved within five (5) years of the date of approval by the Common Council, that the approval shall be null and void and a new petition and approval process shall be required to obtain approvals. While the PD zoning may be null and void due to the expiration of the five-year period, a subsequent zoning map amendment is required to be approved by the Common Council to zone the property differently.

In this case, the applicant and property owner are seeking to restore the DC zoning the site had prior to the 2018 rezoning so that the commercial and residential uses within the building may more easily continue. In addition to the PD zoning of the property being expired, it was approved to facilitate demolition of the buildings and redevelopment of the site as a hotel, etc., and not to perpetuate those uses. No proposals to demolish the buildings or for new construction are pending at this time. If the proposed zoning map amendment is approved, the applicant will be required to obtain any building, signage, or zoning approvals/permits for changes to the buildings consistent with the DC district regulations.

In order to approve the zoning map amendment, the Common Council shall find that the zoning map amendment is *consistent with* the City's Comprehensive Plan as required by Section 66.1001(3) of Wisconsin Statutes. "Consistent with" is defined as "furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan." The proposed DC zoning of the site is consistent with the recommendations in the Downtown Plan for the site and nearby properties, which are located in the "State Street" District. The Plan recommends that the subject site and properties west of N Carroll Street be developed with Downtown Mixed-Uses. The DC zoning proposed are consistent with the plan's goal to maintain and enhance the "unique," "vibrant," "special," and "intimate" character of State Street as the City's "premier" destination for shopping, dining, culture and entertainment by reinforcing the pedestrian-scale of the district and "human-scale" developments that promote synergy and interaction.

As with any zoning map amendment, notice of the proposed rezoning of the property was published notice in the City's newspaper of record (Wisconsin State Journal) and notices were mailed to the property owners and occupants within 200 feet of the area subject to the map amendment. As of the writing of this report, no written comments have been received regarding the proposed zoning of the parcel.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, (608) 261-9632)

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022-00726, rezoning 124-126 State Street from PD to DC, to the Common Council with a recommendation of **approval** subject

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to input at the public hearing. The rezoning request has not been forwarded to City agencies for review, and no conditions of approval are recommended.