



## Office of the Common Council

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BY HAND

May 15, 2008

Mr. Matt Tucker  
Zoning Administrator, City of Madison  
Madison Municipal Building  
215 Martin Luther King Boulevard  
Madison, WI 53701



Re: Notice of Aldermanic Appeal, Approval on May 5, 2008 to Allow for the Demolition of  
1501-09 Monroe Street

Dear Matt:

Pursuant to Section 28.04(22)(f) of the Madison General Ordinances, please accept this letter of appeal with respect to the above-captioned action by the Plan Commission.


I have reviewed the tape of the hearing as well as a transcript of the proceedings and believe that the Plan Commission should review the deed restriction offered by the applicant's attorney and included in a motion as part of the Commission's action before final approval is granted.

Further, I also believe the discussion of the use of the outdoor plaza in your staff report of May 5, 2008 (see attached) merits further review. Specifically, items two and three conclude that use of the outdoor plaza would result in the project exceeding the 40,000 square foot zoning classification threshold. Exceeding 40,000 square feet would require that the project be considered as a conditional use standard rather than the demolition standards as occurred at the hearing.

In our discussions, we agreed that reasonable people could conclude that it is highly likely that the applicant will eventually apply to use that outdoor plaza, but that staff could not consider its square footage as part of the project until that application was made. While I have great respect for your knowledge of Chapter 28, I am also considering an appeal of this interpretation to the Zoning Board of Appeals.

Please do not hesitate to contact me about this appeal.

Very truly yours,

  
Julia S. Kerr, Alder  
District 13

cc: Rosemary Bodolay, Brad Murphy, Mark Olinger, Plan Commission Members, Alder  
Brian Solomon, Alder Robbie Webber

CITY OF MADISON  
INTERDEPARTMENTAL  
CORRESPONDENCE

Date: May 5<sup>th</sup> 2008

To: Plan Commission  
From: Matt Tucker, Zoning Administrator  
Subject: 1501-1509 Monroe Street

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Present Zoning District: C2/C3

Proposed Use: Demolish retail/commercial buildings to build a 4 story hotel.

Conditional Use: 28.04(22) Demolition of principal buildings requires Plan Commission approval.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). NONE.

GENERAL OR STANDARD REVIEW COMMENTS

1. The submitted plans reflect that the proposal is three (3) parking spaces in excess of the minimum parking requirement. The increase in provided parking for the hotel use is within the maximums identified in the ordinance, however, be advised, Sec. 28.09(2)(d) 20. identifies non-accessory parking garages as a *Conditional Use*. Should excess parking be proposed for lease or rent, conditional use approval is required before excess parking may be leased or rented. Staff recommends that no parking space be leased or rented within this development.



2. The submitted plans and specification show the building to provide 39,857 sq. ft. of qualifying floor area. Therefore the development is classified as a *Permitted Use* in the C2/C3 zoning districts. The inclusion of any additional areas of the development for principal or accessory use will result in the project exceeding the 40,000 sq. ft. threshold, which would classify the hotel as a *Conditional Use* in the C2/C3 zoning districts.



3. The submitted plans show an *exterior open air covered entry* proposed along the Monroe Street frontage of the site. The plans do not show any proposed use for this area, other than as an entrance space. However, the submitted elevations reflect discrepancies with the first floor plans, in that additional doors between the hotel lobby and lobby lounge are shown on the elevation drawings but these doors do not show up on the floor plans. One could reasonably determine that the doors imply some sort of relationship between the inside of the hotel and the *exterior open air covered entry*, which will most likely be used by hotel guests as an accessory use. The use of this area for principal or accessory use, including outdoor eating and drinking areas associated with the hotel, will result in the project exceeding the 40,000 sq. ft. threshold, which would classify the hotel as a *Conditional Use* in the C2/C3 zoning districts. Also, the *exterior open air covered entry*, parking lot facilities, or any other area on the site may not be used for outdoor eating/drinking or in support of non-accessory uses associated with events taking place at Camp Randall, unless approved as a *Conditional Use*.

4. If exterior lighting is provided, it must comply with City of Madison outdoor lighting standards.
5. One (1) bicycle parking stall must be provided per twenty (20) hotel employees, with the minimum number of required bicycle stalls being two (2). Please provide employee counts to be used in calculating bicycle parking requirement.
6. The proposed signage placed in the upper architectural feature (above the roof) is not permitted. The Plan Commission does not grant signage approvals. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. The Zoning Section of the Department of Planning and Community and Economic Development issues signage permits.
7. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to demolition permits being issued.
8. The site shares a zoning district boundary with a residential development to the east. This development must provide effective 6' – 8' high screening along the lot line of this commercial district adjoining a residential zoning district.

**ZONING CRITERIA**

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	19,515 sq. ft.
Lot width	50'	Adequate
Front yard	0'	Adequate
Side yards	5'	5' (residential lot to southwest)
Rear yard	30'	35'
Floor area ratio	3.0	2.04
Building height	---	4 stories

Site Design	Required	Proposed
Number parking stalls	48	51
Accessible stalls	3	3
Loading	1 (10' x 35') area	Provided
Number bike parking stalls	2 minimum	None shown (5)
Landscaping & Screening	Yes	(8)
Lighting	No	(4)

Other Critical Zoning Items	
Land Use – 39,928 sq. ft. Hotel	Permitted Use (1, 2, 3)
Urban Design	No
Utility easements	None shown
Barrier free (ILHR 69)	Yes

With the above conditions, the proposed project does comply with all of the above requirements.

- (f) Appeals. An appeal from the decision of the City Plan Commission may be taken to the Common Council by the applicant for the wrecking permit or by the Alderperson of the district in which the building proposed to be wrecked is located. Such appeal must specify the grounds thereof in respect to the findings of the City Plan Commission and must be filed with the office of the Zoning Administrator within ten (10) days of the final action of the City Plan Commission. The Zoning Administrator shall transmit such appeal to the City Clerk who shall file the appeal with the Common Council. The Common Council shall fix a reasonable time for the hearing of the appeal, and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The action of the City Plan Commission shall be deemed just and equitable unless the Common Council, by a favorable vote of two-thirds (2/3) of the members of the Common Council voting on the matter, reverses or modifies the action of the City Plan Commission. Provided, however, that if the applicant for a wrecking permit has requested an amendment to the Zoning Code pursuant to Section 28.12(10) or a conditional use permit pursuant to Section 28.12(11) or if said wrecking is a detail of a proposed General Development Plan, action on those requests, as indicated supra in Subsection (3), is not to be appealed to the Common Council under this subsection.

(Section 28.04(22) Cr. by Ord. 8117, 10-3-83)

(23) Telecommunication Facilities and Antennas.

- (a) The purpose and intent of this ordinance is to strike a balance between the federal interest concerning the construction, modification and siting of telecommunication towers and antennas for use in providing personal wireless services, and the interest of the City of Madison (hereinafter the "City") in regulating local zoning. The regulations contained herein are designed to protect and promote the public health, safety and welfare of the community and the aesthetic quality of the City. The goals of this ordinance are to protect residential areas and land uses from the potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary siting option rather than construction of additional single-use towers; minimize the visual impact of towers and antennas; and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. It is also the intent of this section to provide a public forum to insure a balance between public concerns and private interests in establishing commercial telecommunication and related facilities.

(b) Definitions.

1. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
2. "Co-location" means the provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.
3. "Commercial Use" means a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over any period of time.
4. "Equipment building, shelter or cabinet" means a cabinet or building used to house equipment used by telecommunication providers to house equipment at a facility.
5. "Lattice Tower" means a self-supporting structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.
6. "Monopole" means a monopolar structure, erected on the ground to support wireless communication antennas and connecting appurtenances.