



EDGEWATER REDEVELOPMENT

PRESENTATION TO:
PLAN COMMISSION

PRESENTED BY:
LANDMARK X, LLC
A WISCONSIN LIMITED LIABILITY COMPANY

MARCH 22, 2010



PUD STANDARDS - COMPREHENSIVE PLAN

BACKGROUND: CRITERIA FOR APPROVAL

In order for the Edgewater project to proceed, the Plan Commission is required to review the project against the standards of approval for zoning map amendments, planned unit developments and conditional uses. As with any zoning map amendment, the Plan Commission shall also not recommend the adoption of a proposed amendment unless it finds that the **proposed rezoning is “in the public interest and is not solely for the interest of the applicant, and shall not recommend a proposed amendment without due recognition of the master plan for the City.”** In addition, 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.**

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COMMENT:

Planning staff believes that the Plan Commission could make a finding that the proposed planned unit development is consistent with the Comprehensive Plan given the review of the proposal against the goals, objectives, and policies within the Comprehensive Plan, and the land use and height recommendations contained within the districts related to this property.

Staff Report - March 22, 2010, PAGE 25 - PARAGRAPH 5



PUD STANDARDS - COMPREHENSIVE PLAN

BACKGROUND: ANALYSIS OF THE REVISED PROJECT

The Planned Unit Development zoning district was established to “provide a voluntary regulatory framework designed to encourage and promote improved environmental and aesthetic design in the City of Madison by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning code and the general plan for community development. To this intent, it allows diversification and variation in the bulk and relationship of uses, structures and spaces in developments conceived as comprehensive and cohesive unified plans and projects. It is further intended to encourage developments consistent with coordinated area site planning.” **Unlike conventional zoning districts elsewhere in the Zoning Ordinance, there are no predetermined use, lot area, lot width, height, floor area ratio, yard, usable open space, sign and off-street parking and loading requirements in PUD zoning** (except residential projects in the Downtown Design Zones). Instead, those provisions are determined through the approval of individual planned unit developments, which are recorded at the Register of Deeds following Common Council approval and compliance with all conditions of approval and prior to the issuance of building permits.

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PUD STANDARDS - COMPREHENSIVE PLAN

BACKGROUND: COMPREHENSIVE PLAN

In interpreting the boundaries shown on the Generalized Future Land Use Plan Maps in the Comprehensive Plan, Volume II, Page 2-77 states: *"The Generalized Future Land Use Plan Maps (i.e. the city-wide map (Volume II, Map 2-1) and sector maps (Volume II, Maps 2-2a – 2-2h) use 17 land use districts and two special overlay designations to make relatively broad recommendations for the future distribution of land uses throughout the city and its planned expansion areas over the next 20 years. **The Maps are a representation of the recommended pattern of future land uses at a large scale, and is not intended for application on a parcel-by-parcel basis; nor should it be interpreted as similar to a zoning district map. Recommended land uses are generalized** in that the exact boundaries between one land use category and another are often only approximate, the range of different land uses and development densities encompassed within the use district definitions is relatively large, and all of the districts may include a variety of land uses in addition to the primary use.*



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PUD STANDARDS - COMPREHENSIVE PLAN

BACKGROUND – COMPREHENSIVE PLAN:

Both the Langdon Residential Sub-District and the Mansion Hill Residential Sub-District identify the following:

- Multi-unit high-density residential uses
- Densities of up to 60 or more units per acre
- Mixed-use buildings
- First floor retail, service, dining, entertainment and offices uses with residential uses above
- The Mansion Hill sub-district also listing office/ service uses and institutional uses as recommended land uses
- Preserving the historic character and significance of the Langdon and Mansion Hill areas
- Buildings in the Langdon sub-district are recommended to range in height from 2 to 8 stories
- Building heights in the Mansion Hill sub-district are recommended to be 2 stories minimum, with the maximum to be established by underlying zoning

Staff Report – March 22, 2010 - PAGE 13 - PARAGRAPH 3

COMMENT:

As the proposed rezoning to PUD implies, there is no specific height limitation except as determined through the PUD approval.

Staff Report – March 22, 2010 - PAGE 14 - PARAGRAPH 1



PUD STANDARDS

BACKGROUND:

1. **Character and Intensity of Land Use.** In a planned unit development district the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:
 - a. Are compatible with the physical nature of the site or area.
 - b. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.

Staff Report – March 22, 2010 - PAGE 15 - PARAGRAPH 6

COMMENT:

Staff believes that the Plan Commission's determination of **consistency with the Comprehensive Plan should not be based on any one recommendation in the Plan but on a consideration collectively of all of the recommendations pertinent to the Project as proposed,** including the project's consistency with the other broad land use goals, policies and recommendations contained in Volume II, Chapter 2.

Staff believes ...

- Comprehensive Plan generally supports Downtown as a state, regional and national tourist destination and convention center, supported by uses like the Edgewater
- "Propose a dramatic new vision for the view corridor that extends along Wisconsin Avenue from the State Capitol to Lake Mendota"
- "Tastefully designed addition to the roof of the original tower is well integrated with the mass and architecture of the Art Moderne building"
- "This new vehicular access will be more street-like in its appearance and be more inviting to the general public than the existing condition"
- "The new stair creates a much more inviting path to the lake for the public"
- "An ADA-accessible route that does not currently exist"
- Strengthen the view corridor at the northern terminus of Wisconsin Avenue and Lake Mendota ... better views to Lake Mendota
- Streets designed so primary views terminate at important buildings, distinct architectural elements, natural features, parks & open spaces
- Consistent with recommendation for improved public access to the lakefront
- High-quality public open spaces, including plazas maintained on private property, recommended Downtown
- Infill development strongly encouraged as a key theme of the overall Plan
- Restoration of the 1946 hotel responds to the objective of reuse of historically significant buildings
- Setback in greater alignment with the predominant building setbacks on Wisconsin Avenue

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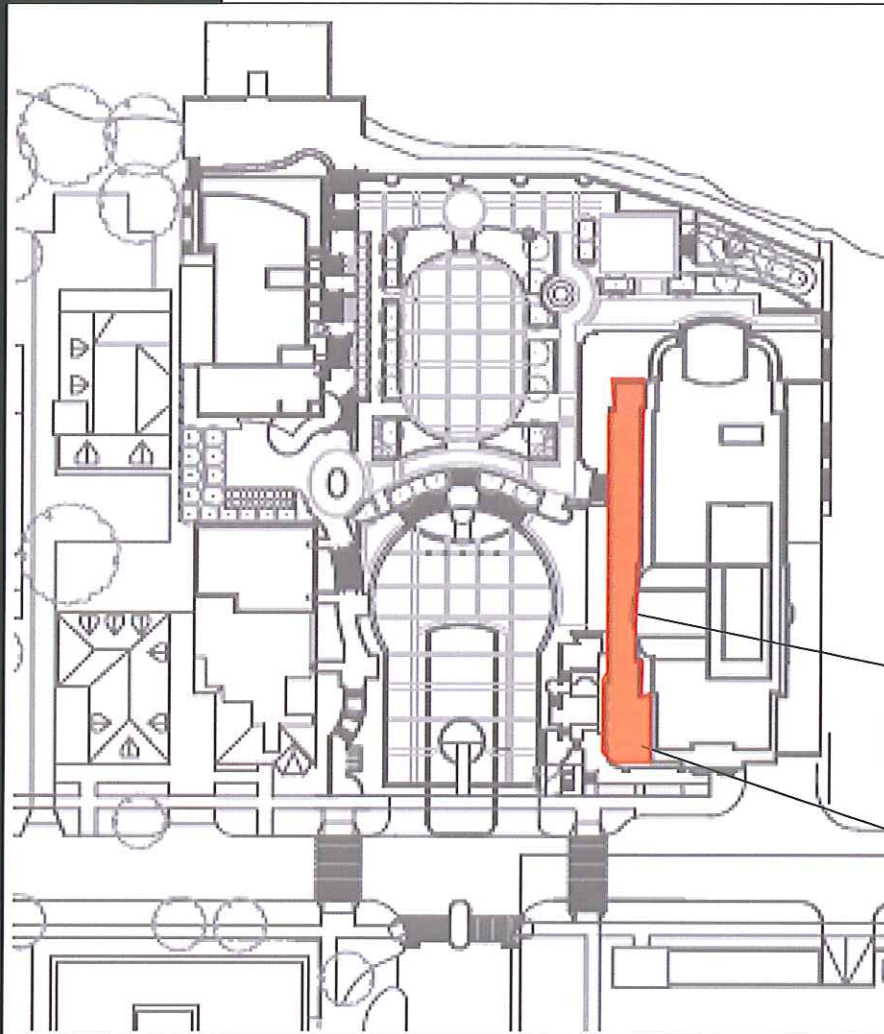


PUD STANDARDS – BUILDING HEIGHT / MASS





PUD STANDARDS – BUILDING HEIGHT / MASS



Staff Report – February 8th, 2010 – Page 15
“...staff believes the mass of the new tower could largely be maintained as now proposed if it were set back further from the easterly line of Wisconsin Avenue. Such an increased setback could result in less spatial enclosure at the lake and along Wisconsin Avenue.”

Staff Report – March 22nd, 2010 – Page 8
“Above Floor 1, the westerly façade of the new tower will range in setback from both the vacated and remaining 132-foot wide Wisconsin Avenue right of way line between 13 and 21.67 feet.”





PUD STANDARDS – BUILDING HEIGHT / MASS



COMMENT: On March 17, 2010, the Urban Design Commission recommended initial approval of the proposed PUD on a 5-4 vote. A recommendation of *initial* approval by the UDC typically signifies that the mass, scale, height, site plan and landscaping concept for a development and the relationship of the proposed to its project development context is appropriate.

STAFF REPORT - MARCH 22, 2010 – Page 20, Paragraph 6



PUD STANDARDS - COMPREHENSIVE PLAN

BACKGROUND:

1. **Character and Intensity of Land Use.** In a planned unit development district the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:
 - c. Would **not adversely affect the anticipated provision for school or other municipal service unless jointly resolved.**

Staff Report – March 22, 2010 - PAGE 15 - PARAGRAPH 6

COMMENT:

The Planning Division is not aware of any significant concerns expressed by City agencies about the capacity of Municipal services needed to serve the proposed development.

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PUD STANDARDS - COMPREHENSIVE PLAN

BACKGROUND:

1. **Character and Intensity of Land Use.** In a planned unit development district the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:
 - d. Would **not create a traffic or parking demand incompatible with the existing or proposed facilities** to serve it unless jointly resolved. A traffic demand management plan and participation in a transportation management association may provide a basis for addressing traffic and parking demand concerns. (Am. by Ord. 13,422, 10-24-03)

Staff Report – March 22, 2010 - PAGE 15 - PARAGRAPH 6

COMMENT:

The November 23, 2009 report suggested that the increase in vehicle trips as a result of the proposed redevelopment was “marginal” and that the capacity of the existing City street network was sufficient to handle the increase. **Traffic Engineering Division staff reviewed the applicant’s traffic impact analysis and generally agreed with its conclusions regarding trip generation and street capacity.**

Staff Report – March 22, 2010 - PAGE 17 - PARAGRAPH 4



PUD STANDARDS - COMPREHENSIVE PLAN

BACKGROUND:

- 2. Economic Impact.** Planned unit development district shall not adversely affect the economic prosperity of the City or the area of the City where the planned unit development is proposed, including the cost of providing municipal services. (Am. by Ord. 12,415, 7-23-99; Am. by Ord. 13,012, 2-26-02)

Staff Report – March 22, 2010 - PAGE 19 - PARAGRAPH 3

COMMENT:

Planning staff believes that the proposed redevelopment of the Edgewater Hotel can comply with this approval criterion.

Staff Report – March 22, 2010 - PAGE 19 - PARAGRAPH 4



PUD STANDARDS - COMPREHENSIVE PLAN

BACKGROUND:

- 3. Preservation And Maintenance Of Open Space.** In a planned unit development district adequate provision for the improvement and continuing preservation and maintenance of attractive open space shall be made.

Staff Report – March 22, 2010 - PAGE 19 - PARAGRAPH 5

COMMENT:

Staff believes that the proposed Edgewater Hotel redevelopment and expansion complies with this approval criterion.

Staff Report – March 22, 2010 - PAGE 19 - PARAGRAPH 5



PUD STANDARDS - COMPREHENSIVE PLAN

BACKGROUND:

- 4. Implementation Schedule.** A planned unit development district shall include suitable assurances that each phase could be completed in a manner which would not result in an adverse effect upon the community as a result of termination at that point

Staff Report – March 22, 2010 - PAGE 20 - PARAGRAPH 3

COMMENT:

A condition of approval is recommended that would require the developer to submit proof of financing and executed contracts with construction firms for the entire scope of the project prior to the recording of the planned unit development and the issuance of any building permits

Staff Report – March 22, 2010 - PAGE 20 - PARAGRAPH 4



CUP STANDARDS – WATERFRONT DEVELOPMENT

BACKGROUND CRITERIA FOR APPROVAL:

“The waterfront development standards were first added to the Zoning Ordinance in 1974 and were established to “further the maintenance of safe and healthful conditions, prevent and control water pollution, protect spawning grounds, fish and aquatic life by controlling building sites, the placement of structures and land users and reserving shore cover and natural beauty for all waterfront and shoreland development.” No waterfront development may be permitted without first obtaining a conditional use permit pursuant to the procedures and standards set forth in Section 28.12(11) of the Zoning Ordinance...”

Comment:

Planning Division staff believes that the standards for waterfront development could be found to be met with the Edgewater Hotel project.

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CUP STANDARDS – WATERFRONT DEVELOPMENT

Waterfront Development Standard #1 – Waterfront Setback

For purposes of this section, the existing development pattern shall mean the average setback of the 5 developed zoning lots to each side of the proposed development lot. For all zoning lots, the principal building setback shall be not less than the existing development pattern.

Comment:

"Standard #1 of the above standards was recently revised by a zoning text amendment passed by the Common Council on February 23, 2010(ORD-10-00024, Legislative File ID 17096). Passage of this zoning text amendment eliminates the need for the new hotel tower to receive a waterfront development setback variance prior to the project proceeding." (Staff Report, March 22, 2010, Pages 22).

Waterfront Development Standard #2 – Shoreland Vegetation and Clearing

Upon the filing of an application for a conditional use permit, the development plan shall show a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip 35 feet inland from the normal waterline. On any zoning lot not more than 30% of the frontage shall be cleared of trees and shrubbery. Within the waterfront setback, requires that tree and shrub cutting shall be limited by consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.

Comment:

"Planning Division staff believes that the standards for waterfront development could be found to be met with the Edgewater Hotel project. While the standards call for the removal of this vegetation to be limited to 30% of the frontage, it also requires that such removal be limited by consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland. The end state will result in a replanting of the lakefront based on the approved landscaping plan."

Staff from the City Engineering Division has reviewed the proposed Edgewater project with regard to its City stormwater regulatory requirements. As this watershed area is currently served by very limited stormwater treatment systems (one catchbasin), it is expected that TSS control and oil and grease removal will both be improved as compared to existing conditions as a result of this development. Based on these criteria lake water quality will be improved by this project. (Staff Report, March 22, 2010, Pages 22-23).

Waterfront Development Standard #3 – Service By Public Sanitary Sewer

Any building development for habitation shall be served with public sanitary sewer.

Comment:

Project is Compliant.



CUP STANDARDS – WATERFRONT DEVELOPMENT

Waterfront Development Standard #4 – Protection of Fish and Aquatic Life

Filling, grading and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured.

Comment:

Project is Compliant – See #2 Above.

Waterfront Development Standard #5 – Inclusion of Pedestrian Path

Construction of marine retaining walls or bulkhead may be permitted providing such construction does not protrude beyond the established shoreline of the adjacent properties. Where the City's adopted Master Plan includes a pedestrian walkway or bike path along the shoreline, the proposed development shall not interfere with its proposed location. The filling and grading of the shoreline shall occur only in the construction of such retaining walls or bulkheads.

Comment:

Condition of Approval. That the configuration and final design of a clearly delineated and publicly accessible pedestrian path extending the full lake frontage of the subject parcel be approved as part of the final planned unit development. The final location of this path shall be located within an easement dedicated to the City and shall remain free of any obstructions, including proposed outdoor eating areas. (Staff Report, March 22, 2010, Page 29).

Waterfront Development Standard #6 – Marine Retaining Walls

Construction of marine retaining walls or bulkhead may be permitted providing such construction does not protrude beyond the established shoreline of the adjacent properties. Said retaining walls and bulkheads will be permitted only for the purpose of preventing shoreline recession. The filling and grading of the shoreline shall occur only in the construction of such retaining walls or bulkheads.

Comment:

Not Applicable.

Waterfront Development Standard #7 – Human Habitation of Boathouses

In addition to complying with the above standards, boathouses shall not be constructed for human habitation.

Comment:

Not Applicable.



CUP STANDARDS – GENERAL

STANDARDS:

“In addition to the Waterfront Development Standards all waterfront development must be approved as a conditional use in accordance with the Conditional Use Standards (copies of which Commission members have available to refer to). The Conditional Use Standards indicate that no application for a conditional use shall be granted by the Plan Commission unless the Commission finds that all of the following conditions are present, and then refers to the eleven standards.”

Conclusion:

Planning staff has reviewed the project against the standards for waterfront development and conditional uses and generally believes that the Plan Commission could find those standards met if appropriate conditions are applied to the project, and if the applicant makes any changes to the project determined necessary by the Plan Commission. Staff does not believe the project will have an adverse impact on the normal and orderly development of surrounding properties, although it does recommend that certain outdoor uses proposed in the development be made conditional uses in the zoning text to allow the Plan Commission to directly address any potential future issues that might arise related to the development from the future use of the roof for hotel functions and from the various outdoor eating areas on the subject site.

Staff Report, March 22, 2010, Page 24



CUP STANDARDS - GENERAL

CUP General Standard #1 – Will Not Endanger Public Health, Safety or General Welfare

That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

Comment:

Staff believes that the Plan Commission could find that this standard is met with the addition of appropriate conditions of approval as recommended by the Planning Division and other reviewing agencies. (Staff Report, March 22, 2010, Page 23)

CUP General Standard #2 – Provide Municipal Services

That the City be able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing such services.

Comment:

Project is Compliant.

CUP General Standard #3 – Does Not Substantially Impair or Diminish Established Uses

That the uses, values and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use

Comment:

Staff does not believe the project will have an adverse impact on the normal and orderly development of surrounding properties, although it does recommend that certain outdoor uses proposed in the development be made *conditional uses in the zoning text to allow the Plan Commission to directly address any potential future issues that might arise related to the development from the future use of the roof for hotel functions and from the various outdoor eating on the subject site.* (Staff Report, March 22, 2010, Page 23)

CUP General Standard #4 – Will Not Impede Normal, Orderly Development

That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Comment:

Planning Division staff believes that the Commission can find that this standard is met. Many of the properties in close proximity to the project are already developed and all are located in the Mansion Hill Historic District. While it may have been ideal to have an overall plan for all of the National Guardian Life property to consider as part of this planned unit development, staff believe that such a plan is not required in order to conclude that this standard is met. The remainder of the NGL property can still be developed in accordance with the existing zoning on the property, future zoning that will be provided as part of the comprehensive rezoning of properties within the City as part of the rewriting of the Zoning Ordinance, and in consideration of the recommendations within the City's adopted plans including the anticipated new Downtown Plan. (Staff Report, March 22, 2010, Page 23)



CUP STANDARDS - GENERAL

CUP General Standard #5 – Provides Adequate Utilities, Roads, Vehicular Movements, etc.

That adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.

Comment:

The City's Engineering Division and Traffic Engineering Division have recommended conditions of approval for this project. (Staff Report, March 22, 2010, Page 23)

CUP General Standard #6 – Provides Adequate Ingress/Egress and Flow onto Public Streets

That measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both onsite and on the public streets.

Comment:

The City's Engineering Division and Traffic Engineering Division have recommended conditions of approval for this project. (Staff Report, March 22, 2010, Page 23)

CUP General Standard #7 – Shall Comply with District in Which it is Located.

That the conditional use shall conform to all applicable regulations of the district in which it is located.

Comment:

Project is Compliant – See Comment in #9.

CUP General Standard #8 – Community Living Arrangements

That when applying the above standards to an application by a community living arrangement the City Plan Commission shall...

Comment:

Not applicable.



CUP STANDARDS - GENERAL

CUP General Standard #9 – When Applying to New Construction or Additions

That when applying the above standards to any new construction of a building or an addition to an existing building the City Plan Commission:

- a. Shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district, and;
- b. May require the applicant to submit plans to the Urban Design Commission for comments and recommendations, and;
- c. May consider the use of the proposed building as it relates to the City's Land Use Plan. When a conditional use application is denied, the Plan Commission shall furnish the applicant in writing those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.

Comment:

- **Statement of Purpose of Zoning District.** Unlike conventional zoning districts elsewhere in the Zoning Ordinance, there are no predetermined use, lot area, lot width, height, floor area ratio, yard, usable open space, sign and off-street parking and loading requirements in PUD zoning (except residential projects in the Downtown Design Zones). Instead, those provisions are determined through the approval of individual planned unit developments, which are recorded at the Register of Deeds following Common Council approval and compliance with all conditions of approval and prior to the issuance of building permits. (Staff Report, March 22, 2010, Page 11-12)
- **May Require UDC Comments and Recommendations.** A recommendation of *initial approval by the UDC typically signifies that the mass, scale, height, site plan and landscaping concept for a development and the relationship of the proposed to its project development context is appropriate* (Staff Report, March 22, 2010, Page 20)
- **Relationship to Comprehensive Plan.** Given that the recommended land uses are generalized and that the exact boundaries between one category and another are often only approximate, Planning staff believes that the Plan Commission could make a finding that the proposed planned unit development is consistent with the Comprehensive Plan given the review of the proposal against the goals, objectives, and policies within the plan, and the land use and height recommendations contained within the districts related to this property. (Staff Report, March 22, 2010, Page 20)



CUP STANDARDS - GENERAL

CUP General Standard #10 – When Applying to Off-Street Parking Requirements

That when applying the above standards to an application for a reduction in off-street parking requirements, the City Plan Commission shall consider and give decisive weight to all relevant facts, including but not limited to the following factors: availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle racks; the proportion of the total parking required that is represented by the requested reduction; the proportion of the total parking required that is decreased by Sec. 28.11(2)(a)3.; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or a small addition to an existing use.

Comment:

As noted earlier this report, the developer has increased the amount of automobile parking available within the development to approximately 355 stalls...which results in a ratio of approximately 1.9 stalls per hotel room, or 0.7 stalls more than the earlier proposal.

As staff noted in its February 8 review of the Edgewater Hotel project, the subject site is located within the Central Parking Area that extends between the lakes from Park Street to Blair Street and requires no specific parking requirement for any land use and will be zoned PUD, which does not have specific parking requirements. Outside the Central Parking Area, the Zoning Ordinance requires that one parking space be provided for each lodging room, and staff noted previously that the parking ratio conventionally required could help to inform whether the parking being proposed by the developer was appropriate to serve the scope of the development. In this case, the Zoning Ordinance would require 190 stalls to serve the lodging rooms in the proposed development alone, though additional parking may be required for other elements of the proposed hotel, including the two restaurants, café, ballroom, salon/ spa and public space if they were determined to not be incidental to the primary use of the site as a hotel. Staff included a summary of the parking provided for a selection of other nearby hotels in the February 8 report for comparative purposes. (Page 17 of February 8, 2010 Plan Commission report)

CUP General Standard #11 – When Applying to Telecommunication Facilities

That when applying the above standards to telecommunication facilities, the City Plan Commission shall consider the review of the application by a professional engineer required by Sec. 28.04(22)(c)7

Comment:

Not Applicable.