



Report to the Plan Commission

February 8, 2010

Legistar I.D. #15955 & 17311
666 Wisconsin Avenue – Edgewater Hotel
PUD Rezoning & Conditional Use

Report Prepared By:
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Planning Division with input from
other Planning Department staff

Requested Actions: Approval of a request to rezone 666 Wisconsin Avenue from R6H (General Residence District) and HIST-MH OR (Mansion Hill Historic District/Office Residence District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) and approval of a conditional use for waterfront development to allow the redevelopment and expansion of the existing Edgewater Hotel to a 190-room hotel.

This report will also briefly discuss two related items on the February 8 Plan Commission agenda: an amendment to the Zoning Ordinance to revise the waterfront development setback for non-residential developments (Legislative ID 17096) and an amendment to the 1965 ordinance vacating a portion of the Wisconsin Avenue right of way on which the 1972 addition to the Edgewater Hotel was constructed (ID 17101). However, these ordinances will be described in greater detail in separate memoranda included in the Plan Commission materials.

Applicable Regulations & Standards: Section 28.12 (9) provides the process for zoning map amendments; Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments; Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses; Section 28.04 (19) provides the standards for waterfront development.

Summary Recommendation: The Planning Division recommends that the Plan Commission recommend **referral** of Zoning Map Amendments 3453 & 3454, rezoning 666 Wisconsin Avenue from R6H and HIST-MH OR to PUD-GDP-SIP, to the Common Council and that the Plan Commission **refer** the conditional use for waterfront development following the public hearing and discussion of this project until the Plan Commission has received the findings and recommendations of the Urban Design Commission.

The Plan Commission should also recommend **referral** to the Common Council of Legislative File ID 17101 amending the 1965 ordinance vacating Wisconsin Avenue, pending a recommendation from the Board of Estimates.

Background Information

Applicant: Robert P. Dunn, Landmark X, LLC; 22 E. Mifflin Street, Suite 800; Madison.

Agent/ Contact: Amy Supple, Hammes Company; 22 E. Mifflin Street, Suite 800; Madison.

Property Owners: Midwest Realty and Investment Corp. d/b/a The Edgewater Hotel; 666 Wisconsin Avenue; Madison, and; National Guardian Life Insurance Group; 2 E. Gilman Street; Madison.

Project Summary: The applicant wishes to remodel and add one floor to the original Edgewater Hotel located on the westernmost portion of the site and to construct an 8- to 14-story hotel addition on the eastern portion of the site partially on land it will be purchasing from the National Guardian Life

Insurance Group. The two main hotel buildings will be joined by the existing portion of the hotel commonly referred to as the "1970's Addition," which will remain but have one level removed. The renovated and expanded hotel would include 190 guestrooms and potentially 8-10 residential dwelling units, as well as spaces for restaurants, a ballroom, meeting facilities, and various personal services. The project will also include a variety of open spaces between the existing hotel and new hotel tower and along the shore of Lake Mendota. Construction will commence in 2010 after all approvals have been granted, with completion anticipated approximately in the fourth quarter of 2011 or later.

Parcel Location: An approximately 2.02-acre development site located at the northern end of Wisconsin Avenue north of Langdon Street, which includes approximately 1.64 acres of private property and approximately 0.38-acres of Wisconsin Avenue right of way; Aldermanic District 2; Mansion Hill Historic District; Madison Metropolitan School District.

Existing Conditions: The Edgewater Hotel is currently contained in the original 1946 building located on the west side of Wisconsin Avenue adjacent to Lake Mendota, which measures 6 stories at its southeasterly corner adjacent to the Wisconsin Avenue right of way and 10 stories from the lake, and the 5-story (as measured from the lake) "1970's Addition," which extends parallel to the shoreline in the vacated right of way of Wisconsin Avenue. An underground parking facility serving the hotel is located primarily within the remaining right of way located between the vacated section and Langdon Street. Two stairwells on either side of the 1970's addition provide public access to an observation area on the roof of the addition. A third stairway extends along the eastern wall of the addition to provide public access from Langdon Street to Lake Mendota through the site.

Surrounding Land Use and Zoning:

North: Lake Mendota;

South: National Guardian Life Insurance on the easterly side of Wisconsin Avenue; Kennedy Manor and a variety of single-family and multi-family residences located generally west of Wisconsin Avenue and south of Langdon Street, all zoned R6H (General Residence District);

West: Multi-family residences and fraternity and sorority houses, zoned R6H;

East: Undeveloped land and surface parking on the remaining National Guardian Life Insurance property, zoned PUD-GDP; lands further to the east across N. Pinckney Street are developed with a variety of multi-family residences in R6H zoning.

Adopted Land Use Plan: The Comprehensive Plan identifies the subject site on the boundary between the Langdon and Mansion Hill Downtown residential sub-districts, which both allow multi-unit high-density residential uses with densities of up to 60 units per acre; mixed-use buildings with first floor retail, service, dining, entertainment and offices uses with residential uses above while emphasizing the historic character and significance of the sub-districts. In addition, the Mansion Hill sub-district includes office/service and institutional uses as recommended land uses.

Buildings in the Langdon sub-district are recommended to range in height from 2 to 8 stories, while building heights in the Mansion Hill sub-district are recommended to be 2 stories minimum, with the maximum to be established by underlying zoning.

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

Public Utilities and Services: This property is served by a full range of urban services.

Zoning Summary: The site will be rezoned to PUD-GDP-SIP with this application. A separate memo dated February 4, 2010 is attached from Matt Tucker, Zoning Administrator, which compares the proposed development to the bulk standards in the existing HIST-MH OR and R6H zoning districts.

Project Review

The applicant is requesting approval to rezone 1.64 acres of property located at the northern end of Wisconsin Avenue in the Mansion Hill Historic District from R6H and HIST-MH OR to PUD-GDP-SIP to facilitate the redevelopment and expansion of the existing Edgewater Hotel into a 190-room hotel. The 1.64-acre proposed zoning lot includes the existing 1.09-acre Edgewater Hotel property as well as a 0.55-acre area of land that the developer will be purchasing from the adjacent National Guardian Life Insurance Group. The full scope of the project, which will include renovation and expansion of the original 1946 hotel, modifications to the portion of the hotel added in the 1970's and construction of a new hotel tower, will also involve the use of a 132-foot wide and 126-foot deep (0.38 acres) section of Wisconsin Avenue right of way located between the northerly right of way line of Langdon Street and a section of Wisconsin Avenue right of way originally vacated by the City in 1965. The 0.38 acres of City right of way are not part of the proposed PUD-GDP-SIP zoning, but are integral to the development and will be discussed as part of this report. The Plan Commission will also be addressing the use of the right of way as part of its recommendations and approvals for this project. Because the existing Edgewater Hotel and proposed expansion abuts Lake Mendota, the project will also require approval of a conditional use for waterfront development.

Existing Conditions:

The original Edgewater Hotel tower was built in 1946 in the Art Moderne style and includes a cream-colored brick exterior, distinctive porthole windows, metal trim and railings, and streamlined fins shading the windows. The hotel is approximately 6 stories at its southeasterly corner adjacent to the Wisconsin Avenue right of way. Facing Lake Mendota, approximately 10 stories of the building are exposed as a result of the 70 feet of grade change that exists across the site from the intersection of Wisconsin Avenue and Langdon Street down to the lake's edge. The entrance to the original hotel was located at the southeastern corner of the building adjacent to Wisconsin Avenue.

A low-rise, modern-styled addition was added to the east side of the hotel in 1972 that was primarily built within the right of way of Wisconsin Avenue vacated by the City in 1965. From the Langdon Street side, the cream-colored brick and concrete addition is characterized by a tall one-story façade and parapet that includes the main entrance to the hotel as well as the entrance to an underground parking garage for approximately 150 stalls. On the lake side, the addition has five stories of hotel rooms built into the considerable slope adjacent to the lake. The area between the hotel addition and Langdon Street includes the driveway down into the site and a circular drop-off area with short-term parking and a trash enclosure along the eastern property line. The addition includes two round staircases located at the southwesterly and southeasterly corners, which provide access to a graveled rooftop lake observation deck. The overlook was provided by the hotel to satisfy its obligations to the City under the 1965 ordinance that vacated the portion of the Wisconsin Avenue right of way on which the addition sits. A metal staircase provided to give public access to the lake also extends between the eastern wall of the addition and adjacent property line. A six-foot wide concrete walkway extends along the lake

edge adjacent to the addition between the eastern staircase and a wood deck that sits on the water in front of the original hotel, which includes a bar and waterside café.

In all, the existing Edgewater Hotel contains 107 hotel rooms as well as a restaurant, lounge, 8 meeting rooms and a lakeside pier and bar.

The area generally west of the Edgewater Hotel includes a two-story apartment building at the corner of Wisconsin and Langdon that is attached to a three- and four-story apartment building that sits in the middle of the block adjacent to the 1946 hotel. Additional apartment buildings and two fraternities are located further west along the north side of Langdon Street. The five-story Kennedy Manor apartment building is located at the southwesterly corner of Wisconsin and Langdon, with two- and three-story wood frame residences located further south towards Gilman Street.

The neighborhood south and east of the Edgewater site on the east side of Wisconsin Avenue is less densely developed, with the modern five-story National Guardian Life (NGL) Insurance Building located at the northeasterly corner of Wisconsin and E. Gilman Street. The area between the NGL Building and Edgewater is characterized primarily by a grassy slope and 18-stall surface parking area adjacent to the Wisconsin Avenue right of way. NGL owns most of the block between Wisconsin Avenue and N. Pinckney Street north of their building. Closer to Lake Mendota, the NGL land is characterized by dense vegetation consisting of canopy trees and understory trees, brush and groundcover, particularly adjacent to the lake's edge, and by a steep south-to-north slope similar to the one present on the adjacent Edgewater property. Much of the NGL property is largely undeveloped with the exception of a 46-stall surface parking lot located adjacent to N. Pinckney Street and the boathouse for the former Vilas Mansion, which occupied the site prior to the construction of the NGL office building. The remainder of the NGL block is occupied by a mix of private homes and the six-story Ambassador Apartments, with additional mixed residential uses located on the easterly side of N. Pinckney Street.

The NGL Building, surface parking adjacent to Wisconsin Avenue and a swath of land adjacent to the existing Edgewater property are zoned R6H (General Residence District), while much of the remainder of the site is zoned PUD-GDP as a result of a 1979 rezoning approval for a multi-story lakeside residential building that was never constructed.

Project Overview:

The Edgewater Hotel redevelopment project calls for a significant remake of the proposed 1.64-acre zoning lot, which will consist of three integrated building components in addition to a number of changes to the overall site and the section of remaining Wisconsin Avenue right of way located north of Langdon Street.

Access & Parking:

Beginning at the corner of Langdon Street and Wisconsin Avenue, the developer proposes to reconstruct the way vehicles enter the Edgewater site through the construction of a divided turn-around within the public right of way (identified on the plans as the "auto court"). Under the proposed redevelopment plan, the entry would be reconfigured and the grade of the Wisconsin Avenue right of way will be raised approximately 13 feet to remove a portion of the drop that currently exists between the Langdon-Wisconsin intersection and the existing main entrance to the hotel and underground parking entrance. An 8-foot grade change (9% slope) is proposed between the grade of the Langdon Street sidewalk to the bottom of the proposed turn-around. The area at the center of the auto court will

be constructed with an observation area accessible from the Langdon Street sidewalk. A vehicular ramp will extend down from the auto court into two levels of underground parking, which will include 73 new parking spaces and a connection to the existing underground parking garage at Lower Level Floor 3. In all, structured parking for 226 vehicles will be provided with the project. Vehicles may drop off passengers at an external drop-off/valet location in the auto court or at an internal valet drop-off area located one floor below the auto court on Lower Level Floor 2.

Plaza:

Moving north toward the lake from the auto court and parking ramp access, the developer proposes to remove the top floor of the 1970's addition to accommodate a public plaza that will span a minimum of approximately 100 feet across the center of the site, generally between the original 1946 hotel tower and the new tower proposed to be constructed along the easterly edge of the site. The proposed plaza will be located one story below the bottom of the auto court at the same level as the auto valet (and the approximate elevation of the existing ballroom/ Admiralty Restaurant). The plaza will be accessible on foot from the auto court by two curved staircases leading down to a central lawn space that will be flanked by a series of hard-surfaced walks and landscaped beds. The plaza will include a number of seating areas, planters and green spaces above the lakeside wall of the remaining 1970's addition below. A more formal outdoor seating area will be located on the easternmost edge of the plaza in front of a ballroom to be located on the same level in the new tower. Information provided to the Urban Design Commission at a January 20, 2010 information presentation showed that the central plaza could be programmed for a number of outdoor activities, including outdoor dining, small concerts, weddings and parties, and vendor exhibits. (It should be noted that at the time of this report, the design of the plaza was continuing to evolve.)

The four stories of the 1970's addition to remain below the proposed plaza will be renovated to include 9 hotel rooms on the lakeside on each floor (36 rooms), with the existing four-level parking garage on the inland side.

Renovation of the Original 1946 Hotel Tower:

West of the public plaza, the developer proposes to renovate and expand the original 1946 hotel, including the restoration of the original easterly facade following disconnection of the 1970's addition from the original structure to accommodate a new public staircase proposed parallel to the western edge of the Wisconsin Avenue right of way to provide access to the lake. Renovation of the original hotel tower will include the repair and replacement of brick, steel lintels, terracotta bands, the re-glazing of glass blocks, and new windows that will match the profiles and proportions of the existing windows. The restoration of the portion of the original easterly façade covered by the 1970's addition will employ matching brick, windows, and architectural detailing to match the original appearance to the extent possible.

The developer also proposes a one-story glass curtain-wall addition to the roof of the original hotel, which will result in an 11-story structure when viewed from the lake. The new "club level" floor will be stepped back slightly from the northerly and easterly walls of the existing building to accommodate a rooftop outdoor seating area overlooking the lake. A new entrance addition will be added at the southeastern corner of the building that will feature a curving cantilevered roof and glass curtain wall to be accessed from the proposed staircase down to the lake. The design of the entrance to this western wing of the hotel is intended to emulate the original main entry to the hotel, which was designed but not built. The existing entrance into the original hotel tower was built as a somewhat subdued, masonry-surrounded entrance that is obscured from view from Langdon Street. The last element of the

renovation plans for the original Edgewater Hotel call for a reconstructed Rigadoon Room restaurant to occupy the lower two floors of the lakeside elevation. The restaurant will be clad in a two-story tall curtain wall on the facades facing the lake and public staircase. Entrances into the 3,895 square-foot restaurant are shown from both the lakeside pier and from the staircase at the upper level.

The program for the remainder of the original hotel building as part of the proposed redevelopment includes a hotel administrative office floor on the level above the Rigadoon Room and a spa, pool and fitness facility floor on the fifth level above the lake elevation. The new entrance at the southeasterly corner of the original hotel will open into a common room on the floor approximately two levels below Langdon Street, which will also include additional spa space and a library. Six hotel rooms will be provided on each of the next five floors located between the level with the new entrance feature and the new rooftop club level, for a total of 30 hotel rooms in this portion of the larger Edgewater development.

The New Hotel Tower:

The proposed new tower to be constructed across the proposed plaza from the original hotel tower will generally parallel the easterly edge of the existing and vacated right of way of Wisconsin Avenue. In total, the proposed new tower will contain 14 floors. The new tower will stand 8 stories and 84.8 feet above the grade of Langdon Street as measured to the roof above the 8th floor (99.34 feet to the top of the mechanical penthouse) and 9 stories and 94.7 feet above the bottom of the auto court in the Wisconsin Avenue right of way (109.2 feet below the penthouse) (see Sheet A2.01). The tower building will begin along the northerly façade along the lake as a four-story extension of the 1970's addition that incorporates two step backs responding to the contour of the lake's edge. The lake side of the tower base will be occupied by 4 hotel rooms on each floor, with hotel operations spaces (housekeeping, laundry, mechanical, etc.) on the inland side of each floor (Lower Levels 6 through 3 based on their order in the plan set, Sheets A1.01–A1.04). Above the lower four floors, the entire tower steps back before continuing two more stories above the plaza level. These floors, shown as Lower Levels 2 and 1 (Sheets A1.05–A1.06), will include a two-story high ballroom opening onto the plaza along its northerly and westerly facades, a lower hotel lobby adjacent to the valet area in the underground garage, and additional hotel operations and functions space for custodial, mechanical and food service on Lower Level 2. Lower Level 1 will include the main hotel lobby and hotel administration, the loading dock, and will be at the same level as the bottom of the auto court.

Above the ballroom, the new tower steps back again from the lake and from the plaza on the west and above the loading dock of the east creating an 8-story tower visible at the corner of Langdon Street and Wisconsin Avenue. A restaurant and lounge will occupy the northerly half of Floor 1 and will include a terrace overlooking Lake Mendota and the plaza below on the stepback from the two floors below. A café and small outdoor eating area will be located at the southwesterly corner of the new tower adjacent to the Wisconsin-Langdon intersection, with the remainder of Floor 1 to be occupied with two meeting rooms. Floors 2-6 of the tower will be occupied by guest rooms, with 17-20 rooms per floor. The top two floors of the new tower will be stepped back along the northerly, westerly and southerly facades and will include 7 suites per floor. In all, 124 hotel rooms and suites will be housed in the new tower, with the potential for the final number of lodging rooms to be fewer if some of the rooms on the top two floors are converted into 8-10 residential dwelling units, which the developer has included in the project scope if the market for such units emerges. The roof of the new tower will include a mechanical penthouse extending above the easterly half of the 8th floor that will be most visible to the east (N. Pinckney Street).

The loading dock along the easterly side wall of the proposed new tower will be set back approximately 4 feet from the easterly side property line of the proposed project site. An emergency egress staircase

is shown extending between the building and property line along the northerly half of that elevation. Along the westerly side wall, the ballroom and terrace above the ballroom will extend into the vacated portion of the right of way of Wisconsin Avenue approximately 11 feet, while the terrace adjacent to the café at the southwesterly corner of the building will be located in the right of way of Wisconsin Avenue and will require approval of a privilege in streets agreement from the City. This terrace will be slightly elevated above the sidewalk grade of Langdon Street, with a berm between the terrace and the auto court to address the grade transition. Above the grade of Langdon Street, the proposed new tower itself varies in setback from both the vacated and remaining 132 foot Wisconsin Avenue right of way line from 0 feet adjacent to the lobby to roughly 2 feet, 4 inches along most of the remaining length of that wall.

The new tower is designed in the Beaux Arts style invocative of early 20th century civic architecture and includes three prominent round windows on the westerly side of the sixth floor that are intended to evoke the Art Moderne architecture of the original 1946 Edgewater Hotel. The new tower will be clad in a buff-colored brick veneer above a cast stone base and includes a number of repeating vertical elements including projecting brick quoins, windows, and balconies intended to create a high degree of articulation, particularly along the long side facades. The lake-facing elevation of the 1970's addition will be reconstructed to match the base of the new tower and will include a series of bay windows and balconies across facing Lake Mendota.

Loading:

Loading for the overall project will occur in an enclosed dock to be located along the easterly side wall of the new tower with access from a driveway extending east into the site from Langdon Street. The enclosed dock will include two berths and will be used for staging delivery trucks as well as tour buses visiting the hotel. A staging plan shows that two tour buses could be parked within the structure, though the same plan does not show how other vehicles will maneuver around the dock with buses parked in one of the berths. A maneuvering plan included by the developer shows that vehicles accessing the loading dock will need to maneuver into position by using the NGL surface parking lot directly south of the dock opening (Section 7.0, Page 23, UDC Informational Package, January 13, 2010). The plans show the NGL lot adjacent Wisconsin Avenue will be relocated and reconstructed to accommodate this maneuvering and will include 8 stalls following reconfiguration.

Access to the Lake:

As noted earlier in this section, a staircase will be extended through where the 1970's addition currently meets the original 1946 hotel to provide public access to the lake's edge. Beginning at Langdon Street, the public stairs will appear essentially as a continuation of the sidewalk on the west side of Wisconsin Avenue south of Langdon. The staircase will extend along the restored easterly façade of the original hotel as well as the easterly wall of the 2 Langdon Street apartment complex immediately south of the hotel. The width of the corridor in which the stair will be located and the width of the stair treads themselves varies along the length, with an 8-foot minimum tread width generally shown. The stair treads will be flanked by retaining walls and raised landscape planters on each side. A section drawing through the stair shows four entrances into the original Edgewater Hotel tower, three entrances into the newly constructed westerly wall of the 1970's addition and three entrances into the adjacent apartment complex. A tunnel is shown beneath the proposed public stair to provide an all-season connection between the 1946 hotel tower and the rest of the Edgewater complex (see Sheet A2.03).

The developer indicates that Americans with Disabilities Act-compliant accessibility to the lake's edge will be provided internally via a route through the hotel complex, though the exact route has not been provided with the application materials submitted to date.

Along the lake edge, the developer proposes to maintain the existing walking path that extends along the front of the 1970's addition and the deck that extends out over Lake Mendota in front of the original Edgewater tower. In addition, a large pier is proposed to extend out over the lake approximately 165 feet from the existing dock. Staff notes that the proposed dock extension, while generally part of the larger Edgewater Hotel redevelopment, is not part of the proposed rezoning of the site to PUD-GDP or approval of the conditional use for waterfront development. It is shown on the project plans for informational purposes only, because structures in State waters like Lake Mendota fall under the jurisdiction of the Wisconsin Department of Natural Resources (DNR), who is responsible for their permitting. A separate approval from the DNR will be required for the dock extension and any modifications to the existing dock extending into the lake. The developer has indicated that the redevelopment plan for the buildings and improvements subject to the PUD zoning are not dependent on the final pier design approved by the DNR. Staff recommends a condition of approval on the two zoning applications that requires the applicant to receive all necessary approvals from the State of Wisconsin for the projections into Lake Mendota and that the project plans reflect those approvals.

Analysis

The proposed Edgewater Hotel planned unit development calls for a significant redevelopment and expansion of one of the Downtown's signature properties and represents a dramatically new vision for the northern end of Wisconsin Avenue and the corridor between the State Capitol and Lake Mendota. Among the more significant components of the proposed project are the removal of the top floor of the hotel's 1970's addition to create a new public plaza, the renovation of the original 1946 Edgewater Hotel, including the restoration of lower floors currently covered by the 1970's addition, the raising of the Wisconsin Avenue right of way to create a public entrance into the site, and the construction of a new tower on the eastern portion of the project site, which will house most of the project's 190 overall hotel rooms as well as a restaurant, café, and ballroom.

At the present time, the existing Edgewater Hotel is located entirely in the HIST-MH OR (Mansion Hill Historic District/Office Residence District) zoning district. The OR zoning district was created "to provide for the integrated development of residential, convenience shopping, transient accommodations and offices in or near the central part of the City and along approaches to the downtown area." Development in the OR district follows most of the use and bulk requirements in the R6 General Residence District with the exception that hotels and motels, business and professional offices, and medical/ dental/ optical clinics are included as permitted uses in the OR district. Bulk requirements in the OR district restrict the floor area ratio (FAR) of development to 2.0. The "HIST-MH" prefix references the existing Edgewater Hotel's location in the Mansion Hill Historic District as required by Section 28.106 of the Zoning Ordinance, which requires the zoning map to identify properties located in local historic districts or designated as local landmarks established under Section 33.19, the Landmarks Commission ordinance.

As noted earlier in this report, the developer proposes to acquire 0.38-acres of land from the adjacent National Guardian Life property east of the existing Edgewater Hotel parcel, as depicted on Sheets A1.07 and C1.02 of the plan set. The area to be acquired is 60 feet wide adjacent to the existing Edgewater property before opening into a L-shaped, 105-foot wide swath adjacent to the Wisconsin Avenue right of way. The land to be acquired from NGL, where much of the new tower will be

constructed, is currently zoned R6H. The R6H zoning district was established largely for the same purposes and with most of the same use and bulk regulations as the R6 district with the added distinction of having a 50-foot height limit and different yard requirements intended to assist in the preservation of the “historic and architectural character of mapped historic districts.” To date, the R6H zoning district has only been mapped in portions of the Mansion Hill Historic District.

The applicant’s project cannot be developed as proposed within the existing HIST-MH OR and R6H zoning districts. While hotels are permitted uses in the OR zoning district, they are not permitted in the R6H district. In addition, the proposed development will have a floor area ratio (FAR) of approximately 3.49 based on the gross floor area of the project stated in the applicant’s January 20, 2010 Urban Design Commission submittal. The project will have 364,621 gross square feet. When the 115,092 square feet devoted to underground parking are discounted as permitted by the Zoning Ordinance’s definition of floor area ratio, the net gross floor area is 249,529 square feet, which results in the FAR stated above. This FAR calculation is similar to the 3.44 FAR calculated by Landmarks Commission staff as part of its review of the development in November 2009. The 3.44 to 3.49 FAR of the proposed development significantly exceeds the 2.0 FAR maximum established in both OR and R6H zoning. It also exceeds the R6H limitation that no building coverage exceeds 40% of its lot area. The overall complex as proposed, in particular the new tower, would not provide the yards required in the existing zoning districts. Readers should refer to the attached Zoning Administrator’s memo dated February 4, 2010.

The Zoning Ordinance defines building height as the vertical distance from the curb level, or the approved ground level, opposite the center of the front of a building to the highest point of the roof. In the case of a flat roof, the height is measured to the deck line. The new tower is 8 stories and 84.8 feet above the grade of Langdon Street as measured to the roof above the 8th floor and 99.34 feet to the top of the mechanical penthouse, and 9 stories and 94.7 feet from the roof above the 8th floor to the bottom of the auto court in the Wisconsin Avenue right of way (109.2 feet below the penthouse), both of which significantly exceed the 50-foot height restriction for new construction in the R6H zoning district.

As a result, Planned Unit Development zoning is required in order for the development to proceed. Regardless of the existing or proposed zoning districts, a conditional use for waterfront development is also required per Section 28.04 (19) of the Zoning Ordinance.

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 of 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.

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.

Consistency with the Comprehensive Plan:

The City's Comprehensive Plan was adopted by the Common Council in January 2006 and includes a number of goals, policies and recommendations for land use, transportation, economic development, housing, and a wide range of community resources (parks, cultural resources, historic preservation, etc.) intended to guide the growth of the City over a 20-year period. The plan is organized around and is generally consistent with a series of key themes.

The Comprehensive Plan includes many goals, policies and recommendations that can be related to the consideration of a significant land use decision like the proposed planned unit development and conditional use for the redevelopment and expansion of the Edgewater Hotel. In particular, Volume II, Chapter 2 of the Plan includes a number of goals, policies and recommendations that staff feels are germane to the discussion about the proposed Edgewater development, notably the land use recommendations for the Downtown area, which are made in the context of ten defined sub-districts that share important characteristics related to function, predominant land uses, scale, density, and urban design. Each sub-district has its own development recommendations and standards.

The land use recommendations in the Comprehensive Plan were considered to be preliminary recommendations in anticipation of more detailed planning for the Downtown, such as the forthcoming Downtown Plan, which will likely provide more specific guidance on land use, development density and intensity, building height, and design standards. The final recommendations of the Downtown Plan and other future plans for specific sub-districts may also cause the recommendations for, or boundaries of, the Downtown sub-districts included in the 2006 Comprehensive Plan to be revised. Specifically, Volume II, Page 2-105 states:

“The Comprehensive Plan includes goals, objectives and policies to begin to address the unique planning challenges and opportunities in the Downtown area. Broad land use recommendations for the Downtown are made in the context of ten defined sub-districts that share important characteristics related to function, predominant land uses, scale, density, and urban design. Each sub-district has its own development recommendations and standards. These recommendations are partly based on existing plans that cover portions of the Downtown area, and on the analyses and recommendations included in the 2004 Downtown Advisory Report prepared as part of the Comprehensive Planning process. The Comprehensive Plan also recommends preparation of one or more updated special area and/or neighborhood plans for the Downtown area as a high priority; and the land use recommendations in this Comprehensive Plan should be considered preliminary until more-detailed plans for the Downtown area are developed and adopted. These plans should, at a minimum, address recommended land uses, development density and intensity, building height, and building and site design standards; and should establish Downtown as the focal point of the city. More-detailed planning may also revise the recommendations for, or boundaries of, the Downtown sub-districts included in the Comprehensive Plan.”

The Comprehensive Plan identifies the proposed Edgewater Hotel planned unit development site on the boundary between two of the ten Downtown sub-districts, the Langdon Residential Sub-District and the Mansion Hill Residential Sub-District (as distinguished from and not coterminous with the Mansion Hill Historic District). The line as shown in Volume II, Map 2-3 appears to follow the zoning boundary described earlier in this report between the HIST-MH OR and R6H zoning.

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. As noted above, refined recommendations applicable to individual properties will be provided through preparation and adoption of detailed neighborhood and special area plans.”

Both the Langdon Residential Sub-District and the Mansion Hill Residential Sub-District identify multi-unit high-density residential uses with densities of up to 60 or more units per acre, and mixed-use buildings with first floor retail, service, dining, entertainment and offices uses with residential uses above as recommended land uses, with the Mansion Hill sub-district also listing office/ service uses and institutional uses as recommended land uses. Both sub-districts place an emphasis on 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, with the tallest buildings recommended to be closest to the State Street corridor. Building heights in the Mansion Hill sub-district are recommended to be 2 stories minimum, with the maximum to be established by underlying zoning.

Planning staff believes the uses included in the proposed planned unit development could be found to be consistent with the land use recommendations included in the Comprehensive Plan. While hotels are not specifically enumerated in the recommended land use lists in either sub-district, the Langdon sub-district does note the presence of the Edgewater Hotel. Staff also generally feels that the height of the proposed development, particularly the new tower, is generally consistent with the broad height recommendations for at least the Langdon sub-district. The new tower, which appears to straddle the two sub-districts, will stand 8 stories above the grade of Langdon Street at Wisconsin Avenue, which is at least in keeping with the uppermost limit recommended in the Comprehensive Plan for the Langdon sub-district, though staff acknowledges that the height as viewed from the lake and to the north and east will be as much as 6 stories taller. The 8-story building appears to be considerably taller than the height recommended in the Mansion Hill sub-district, which is less prescriptive with regard to maximum height. Staff believes that the “maximum to be established by underlying zoning” was intended to reference the 50-foot height limitation in the R6H zoning district that comprises a majority of the Mansion Hill area, although the boundaries of the R6H district and Mansion Hill sub-district are not coterminous. However, as the proposed rezoning to PUD implies no specific height limitations except

as determined through the PUD approval, the underlying zoning could be broadly interpreted to be whatever height is ultimately approved.

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 consideration of all of the recommendations pertinent to the project as proposed, including with the project's consistency with the other broad land use goals, policies and recommendations contained in Volume II, Chapter 2.

On one hand, the Comprehensive Plan generally supports Downtown as a state, regional and national tourist destination and convention center, which would be supported by uses like hotels such as the Edgewater (Volume II, Chapter 2, Objective 78). This is fully in keeping with the goals of the Downtown 2000 Plan as well. Staff believes that aspects of the proposed Edgewater redevelopment would also strengthen the view corridor at the northern terminus of Wisconsin Avenue at Lake Mendota, which would generally conform with a recommendation that streets be designed so that primary views terminate at important buildings, distinctive architectural elements, natural features, parks or open spaces (Volume II, Chapter 2, Objective 53). As noted below, however, the proposed new tower would significantly affect the view corridor from other vantage points. The proposed development is also consistent with a recommendation for increased and improved public access to the lakefronts and the inclusion of small, passive open spaces within the Downtown (Volume II, Chapter 2, Objective 80), through the new stair to the lake and public plaza in the vacated right of way of Wisconsin Avenue, although the specific level of public access and programming of the plaza have not been finalized at this time. High-quality public open spaces, including plazas maintained on private property, are also generally recommended in the Downtown section of the Comprehensive Plan.

However, the Comprehensive Plan also places a significant emphasis on new development being complementary to and compatible with the existing and planned characteristics of the surrounding neighborhood, and infill development or redevelopment being designed to incorporate or improve upon existing positive qualities such as building proportion and shape; pattern of buildings and yards; building orientation to the street, and; building materials and styles. Although infill development is strongly encouraged as a key theme of the overall plan, it is always only one among many objectives, and other factors such as architectural character and scale (including building height, size, placement and spacing), block and street patterns, landscaping and traffic generation are also important (Volume II, Chapter 2, Objective 42). While the Edgewater planned unit development prominently includes the restoration of the original 1946 hotel to much of its original appearance prior to the 1970's addition, which responds to objectives pertaining to rehabilitation and reuse of historically significant buildings, it also calls for a controversial new tower that some view as being inharmonious with the scale and character of the surrounding neighborhood (Volume II, Chapter 2, Objectives 40, 41, 51; Volume II, Chapter 8, Objective 3).

Concerns have also been expressed by staff and members of the public about the potential affect the height and setback of the proposed new tower may have on the Wisconsin Avenue view corridor from the State Capitol to Lake Mendota, as well as the views from Lake Mendota. Volume II, Chapter 2, Objective 56 encourages that views and vistas of significant value, such as views of the lakes, open space or the Capitol, be treated sensitively by new structures or potential visual obstructions, and that incursions by development that would degrade the views to and from the lakes, rivers and creeks be avoided. This is of particular concern given the location of the new tower adjacent to the existing and vacated portions of Wisconsin Avenue.

Conformance with the Planned Unit Development Standards:

As a basis for determining the acceptability of a planned unit development, the Zoning Ordinance requires that the criteria below be applied with specific consideration as to whether or not the proposed PUD “is consistent with the spirit and intent of this ordinance and has the potential for producing significant community benefits in terms of environmental and aesthetic design.”

Criteria 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.*
- c. Would not adversely affect the anticipated provision for school or other municipal service unless jointly resolved.*
- 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.*

→ Review Against Criteria 1a. & 1b:

As staff notes at the beginning of the ‘Analysis’ Section of this report, the applicant’s redevelopment and expansion plans for the Edgewater Hotel propose a dramatic new vision for the view corridor that extends along Wisconsin Avenue from the State Capitol to Lake Mendota, as well as a significant renovation of one of the City’s signature properties.

In addition to a complete renovation of the 1946 Edgewater Hotel, the developer proposes to add a tastefully designed addition to the roof of the original tower that staff generally feels is well integrated with the mass and architecture of the Art Moderne building below. The renovations to the original hotel tower will also call for the removal of the portion of the 1970’s addition appended to the lower portions of the eastern wall of the tower, which will allow many of the original architectural details to be restored. The re-facing of the Rigadoon Room on the lowest two levels of the original hotel facing Lake Mendota and the construction of a modern interpretation of the original curved entrance designed but never built at the southeasterly corner of the hotel add to the aesthetic desirability of this portion of the overall hotel redevelopment plan.

The project also calls for the street-facing façade of the 1970’s addition to be dramatically changed. The existing understated southerly façade of the addition will be removed to create a rooftop plaza and to allow a portion of the grade of the site to be raised to accommodate a new public vehicle entrance into the site and a less visible entrance into the expanded underground parking facility. The new auto court entrance will be more street-like in its appearance from the intersection of Langdon Street and Wisconsin Avenue and should be more inviting to the general public than the existing condition, which resembles a private driveway that slopes steeply away from the public streets. The lowering of the 1970’s addition will also allow the developer to create a public plaza between the original hotel and the newly proposed tower that will extend along the eastern edge of the 1.64-acre subject site. The new plaza and raised section across the site should afford better views of Lake Mendota from some vantage point to the south, though staff is aware of concerns about the use of the public plaza, which will be discussed later in this report. The project should also create better access to Lake Mendota for the public than the existing conditions, which include a secluded stairway along the existing eastern property line and a largely unimproved rooftop overlook on the 1970’s addition. The new stair proposed

along the eastern wall of the 1946 hotel tower has the potential to create a more inviting path to the lake for the public, though final design of the stair will need to be completed.

However, valid questions have been raised about the physical compatibility of the new tower with the physical nature of the site and area. In particular, both the height of the new tower and its proposed location immediately adjacent to the existing and vacated right of way line of Wisconsin Avenue will require serious deliberation in order to find that this standard of approval is met. The developer has indicated that the tower has been sited in the fashion currently proposed in order to utilize one particular set of vertical supports for the existing underground parking structure constructed as part of the 1970's addition. In order to move the structure further to the east, the developer has indicated that they would have to relocate the structure to the outer wall of the 1972 addition, which is approximately 30 feet to the east of the current proposed location. This relocation would address significant concerns about the proposed development, as it would help to address view corridor issues and at the same time would help to mitigate the effects of the heights of the building by setting it back. It would also require the acquisition of additional land or easements from NGL.

As presently proposed, the new tower will sit between 0 feet and 2.33 feet from the easterly right of way line of Wisconsin Avenue. With the exception of the heavily urban first block of Wisconsin Avenue between Mifflin and Dayton streets, where the Manchester Place office building and parking ramp, Concourse Hotel and 100 Wisconsin Avenue condominiums generally lie alongside the Wisconsin Avenue right of way, most other properties between Dayton Street and Lake Mendota observe some amount of setback from Wisconsin Avenue. The NGL Building located southeast of the new tower on the east side of Wisconsin observes a setback of approximately 70 feet from the right of way line.

The setback of the new tower is significant from both the Wisconsin Avenue corridor and with regard to the viewshed of the State Capitol from Lake Mendota, where a combination of the minimal setback and 8-story 84.8-foot height adjacent to Langdon Street and the 14-story, 152.67-foot tall height adjacent to the lake suggest a potential "walling-off" of a portion of the view corridor. On the west side of Wisconsin Avenue, both the original Edgewater Hotel tower and the adjacent apartment complex at 2 E. Langdon Street abut the westerly edge of the right of way line (extended). However, the scale of both of those long-standing buildings is generally in keeping with the scale of other nearby buildings, with the 2 E. Langdon complex standing 2 stories at Langdon Street before stepping down to 4-plus stories as the building moves north down the slope. The original Edgewater tower stands approximately 6 stories along its southerly façade before emerging with 10 stories visible from the lake due to the nearly 70 feet of grade change present from south to north. Although the developer has not provided an elevation height for the new roof of the addition to the original hotel tower, it appears that the new addition will add approximately 10 feet of height to the building but remain below the height of the existing stair tower along the easterly side wall. Based on staff's approximation, the roof of the addition atop the original hotel will be 110 feet above the elevation of Lake Mendota, or approximately 42 feet lower than the new tower to be located across the plaza to the east.

As a result, staff believes that the Plan Commission will need to carefully consider whether the new tower is compatible with the physical nature of the site or area as a result of the relationship between the height of the new tower and its placement adjacent to the Wisconsin Avenue right of way when considering the height and placement of other buildings in the area in relationship to the streets they front on. Staff believes that this issue could potentially be mitigated in one of two ways that the Plan Commission could encourage the applicant to further explore.

First, the height of the building could be further reduced to more closely mirror the heights of the buildings located across the Wisconsin Avenue right of way, which are situated on the westerly right of

way line in a fashion similar to the way the proposed new tower is shown on the easterly line. While this may still result in some sense of spatial enclosure along the Wisconsin Avenue view corridor between the lake to the Capitol along Wisconsin Avenue, the building mass on the eastern edge (on land that is presently undeveloped) would at least be more volumetrically similar. The applicant has indicated to staff, however, that further reductions were not feasible.

As an alternative, 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, could provide a broader view corridor along Wisconsin Avenue, and could allow the project to be more in keeping with the setbacks along Wisconsin Avenue between Dayton Street and the subject site.

This concern follows a related concern expressed by some neighborhood residents and members of the Landmarks Commission that the new tower is too massive given its location in the Mansion Hill Historic District. On November 30, 2009, the Landmarks Commission voted not to approve a Certificate of Appropriateness for the Edgewater Hotel project as submitted given the criteria in the ordinance for new development in the historic district. The Landmarks Commission also voted that night against granting the project variances from the requirements of the Landmarks Commission Ordinance. An appeal to the decision of the Landmarks Commission to not grant a Certificate of Appropriateness or variance was filed with the Common Council on December 2, 2009 and is currently in referral pending the Plan Commission's actions on the subject planned unit development and waterfront development conditional use. The minutes of the November 30, 2009 Landmarks Commission meeting are attached for the Plan Commission's information. However, the Plan Commission should be mindful that the Landmarks Commission's action was based on the standards for approval contained in MGO Section 33.19, which are different than the standards that the Plan Commission and Common Council must use for approval of a planned unit development and conditional use.

The setback of the new tower is also significant in light of the ordinance vacating Wisconsin Avenue, which was approved in 1965 with a 10-foot minimum setback from the northeasterly and southwesterly lines of the vacated right of way. The 1965 ordinance also requires that construction within the vacated right of way comply with the yard requirements of the existing zoning and building codes in the same manner as though the street had not been vacated. An ordinance to amend the 1965 ordinance to eliminate both of the earlier setback provisions has been introduced (Legislative File ID 17101), which, if approved, would subordinate setbacks for the Edgewater development to the provisions of the approved planned unit development. As part of its deliberations on the Edgewater Hotel project, the Plan Commission will be asked to make a recommendation to the Common Council on the approval of this ordinance.

Questions have also been raised about the precedent the applicant's proposal could create for the development of the remainder of the NGL property generally east of the proposed hotel. As noted earlier in this report, the area generally north of NGL's five-story office building is undeveloped with the exception of two surface parking lots. The southwestern portion of the property is zoned R6H while the northeastern portion is zoned PUD-GDP resulting from a 1979 proposal to erect a lakeside residential building into the slope that exists along the northern edge of the property adjacent to Lake Mendota. That project never proceeded past the general development plan approval. While Planning staff is not aware of any currently proposals for developing the NGL land generally north of their office building and east of the expanded Edgewater Hotel, projects like the Edgewater often elicit concerns about what could be developed nearby in the wake of such a significant project.

The developer has proposed language within the PUD zoning text aimed at addressing concerns about the Edgewater project creating a precedent for other potential projects nearby. The proposed language under the "Bulk Consistency" sub-heading includes provisions that suggest the scale of the Edgewater project is appropriate given the size of the site, its access from a public street right of way of 80 feet in width or greater (the Wisconsin Avenue right of way is 132 feet wide), its amount of proposed public open space and its provision of a walkway adjacent to Lake Mendota, with the counter being that unless another project met the same criteria, it could not be approved.

While staff appreciates the applicant's efforts to address this concern, the language included in the zoning text is specific to only the Edgewater project, and that zoning text would not apply to any other properties, including other future planned unit developments, which would be governed by their own specifically tailored zoning texts and plans. An approved project at this location would establish a building expansion that certainly could be referred to by other future developers regardless of what is contained in the zoning text, but in staff's opinion no more or less than any other land use entitlement establishes a precedent for others that may follow.

→ Review Against Criteria 1c:

Planning staff is not aware of any significant concerns expressed by City agencies about the capacity of municipal services needed to serve the proposed development and the project should not result in any impact on the capacity of Madison Metropolitan School District facilities. The City Engineering Division does not have specific concerns about the project but has submitted a comment that requires the applicant to provide estimated sanitary sewer flow calculations for the new hotel to verify that the existing City sanitary sewer has adequate capacity to serve this hotel redevelopment (Condition #23).

→ Review Against Criteria 1d:

The applicant has provided a traffic impact analysis for the proposed hotel expansion, which indicates that the project will result in an increase of 795 vehicle trips per day, of which 636 vehicles will access the site via Wisconsin Avenue and 159 vehicles will access the site via Langdon Street according to the consultant's report. The report goes on to suggest that the increase in vehicle trips as a result of the proposed redevelopment is "marginal" and that the capacity of the street network is sufficient to handle the increase. Traffic Engineering Division staff have reviewed the applicant's traffic impact analysis and generally agrees with its conclusions regarding trip generation and street capacity.

The traffic impact analysis also includes a section that addresses trip reduction, which concludes that a portion of the daily trips may be reduced through the use of alternate modes of transportation primarily by employees. It suggests that trip reduction measures could be further explored through preparation of a comprehensive Transportation Demand Management (TDM) plan.

The developer proposes to provide parking for 226 vehicles to serve the overall hotel development, or approximately 1.2 stalls per room. The subject site is located within the Central Parking Area that generally extends between the lakes from Park Street to Blair Street and requires no specific parking requirement for any land use. The proposed development will also be a planned unit development, 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 believes that the parking ratio conventionally required can help to inform whether the appropriate amount of parking is being provided to serve the development. In this case, the Zoning Ordinance would require 190 stalls to serve the lodging rooms in the proposed development alone. Under conventional zoning, additional parking may be required for other elements of the proposed hotel, including the two restaurants, café, ballroom, salon/ spa and public space, though the specific number typically cannot be established until the final occupancy of those spaces is established. Some of these ancillary facilities may also be

considered incidental to the primary use of the site as a hotel, which may not significantly increase the amount of parking that would conventionally be required. However, staff believes that it may be appropriate for the Plan Commission to request more specific information from the developer on the anticipated occupancy of some of the non-lodging room spaces within the project so that it can more fully determine whether the 226 stalls proposed are sufficient, especially since the Edgewater site does not have the same proximity to off-site public parking facilities as some other Downtown hotels.

A summary of the parking provided for a selection of other nearby hotels is provided for comparative purposes:

Hotel Name	Address	Rooms	Parking Stalls
Edgewater Hotel	<i>Existing:</i>	107	153
	<i>Proposed:</i>	190	226
Hilton Monona Terrace	9 E. Wilson Street	236	207
Doubletree Hotel Madison	525 W. Johnson Street	163	Approx. 163
Best Western Inn on Park	22 S. Carroll Street	219	Approx. 225
Hyatt Place Hotel	333 W. Washington Avenue	151	705 in Cap. West PUD
Best Western InnTowner	2424 University Avenue	180	144
Sieger Hotel/ HotelRED	1501 Monroe Street	48	53

The Plan Commission should also give consideration to the operation of the loading facilities to serve the hotel. As with the parking, the planned unit development district allows the amount of loading to serve a project to be varied from what would otherwise be required under the Zoning Ordinance. Zoning staff has determined that the proposed hotel would be required to provide 4 10-foot by 35-foot loading spaces to serve this development. As noted earlier, loading for the overall project will occur in an enclosed dock with 2 berths to be located along the easterly side wall of the new tower with access from a driveway extending east into the site from Langdon Street. The dock will also be used for staging delivery trucks as well as buses visiting the hotel. A maneuvering plan shows that vehicles accessing the proposed dock will maneuver into position by using the NGL surface parking lot directly south of the dock opening. A staging plan conceptually shows two tour buses can be parked within the structure, though the same plan does not show how other vehicles will maneuver around the dock with buses parked in one of the berths.

Staff believes that it will be incumbent upon the developer to provide assurances that service and delivery vehicles and tour buses will be able to access the site without causing a negative impact on the surrounding neighborhood. Traffic Engineering Division staff has reviewed the plans for the proposed loading facility to serve the project and determined that additional information is necessary to determine if the proposed truck and bus access to the site is adequate, including that one loading berth is functional when the other is occupied. Traffic Engineering staff has also requested that the applicant provide truck and bus movements onto the site that demonstrate that both types of vehicles will be able to ingress and egress only in a forward manner to Wisconsin Avenue as required by City ordinances.

Additionally, the applicant will need to demonstrate that loading activities for the development, including maneuvering for the loading dock, can be accommodated within the proposed PUD zoning district. Section 28.04 (3)g. of the Zoning Ordinance requires that ingress and egress for commercial and manufacturing uses to be through a commercial or manufacturing zoning district and not through a residential zoning district. The 18-stall NGL surface parking lot that trucks and buses accessing the Edgewater loading will maneuver in is zoned R6H. If the applicant cannot demonstrate that such maneuvering occurs entirely within the PUD, the PUD district will need to be enlarged to accommodate the full maneuvering area prior to final approval and recording.

In order to find that criteria 1d. is fully met and for the Plan Commission to recommend approval of a waiver to the 4 loading stalls required, Planning Division staff believes that it may be appropriate for the Plan Commission to consider applying a continuing jurisdiction clause similar to that which exists for conditional uses within the zoning text for this PUD that would allow the Commission to reconsider certain operational aspects of the Edgewater project to address concerns that may arise from the operation of such a large, complex project at this location. Staff believes that such a provision is appropriate under the language in Section 28.12 (10)(f)5 pertaining to zoning map amendments, which allows the Plan Commission to recommend conditions of approval it feels necessary to protect the public interest.

Review Against Criteria 2: Economic impact: [The] 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.

Planning staff believes that the proposed redevelopment of the Edgewater Hotel can comply with this approval criterion. The project has requested tax increment financing assistance to help offset the creation of the public plaza and construction of the improved public access to the lake and underground parking as part of the overall development. Staff does not believe this request for public assistance, which will be considered by the Board of Estimates and Common Council, should affect the Plan Commission's ability to find this criterion met. Staff further notes that other planned unit developments approved in recent years, including University Square and Block 51/ Capitol West, have also received tax increment financing as part of those projects.

Review Against Criteria 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.

The proposed Edgewater Hotel redevelopment and expansion appears to comply with this approval criterion. The proposal calls for a prominent plaza space to be constructed at the center of the site that will be facilitated by the removal of one floor of the 1972 addition to the hotel. The lowering of a portion of the existing hotel to create the plaza will also create an improved view of Lake Mendota looking directly down Wisconsin Avenue. The proposed Edgewater redevelopment also calls for a new public staircase to be provided along the westerly side of Wisconsin Avenue (extended), which is intended to provide a more direct and aesthetically pleasing route down to the lake's edge than the existing accommodation, which extends along the eastern wall of the 1970's addition as a somewhat secluded and narrow metal stair.

Operation of these public elements will be governed by a maintenance agreement between the developer and City subsequent to the approval of the development. In documents submitted during the review of the planned unit development, the applicant indicates that the construction, security and maintenance of the public elements will be the hotel's responsibility and that the public spaces will be available to the general public from 6:00 a.m. to 11:00 p.m. 365 days a year. However, the application materials also note that the developer will have the sole right to book the public and private events in the public spaces, including "major events", which may cause certain of the public spaces to be closed or limited to the general public. The developer indicates that access to the stair to the lake and the, as of yet undefined, accessible route to the lake through the hotel will be preserved in all cases.

Staff generally believes that the Plan Commission can find this criterion for approval met for the purposes of approving the planned unit development. However, staff also believes that additional

details regarding the design, construction and future operation of the public elements of the Edgewater Hotel development as approved by the Common Council will need to be finalized prior to the recording of the PUD and the issuance of building permits. These details include the ADA-compliant accessible route that will be provided through the hotel to the lake; the final configuration of the public lakefront easement access along the entire lakeshore of the development to accommodate a pedestrian/ bicycle path; the use, maintenance and delineation of the public versus semi-public versus private spaces, and; the execution of the maintenance agreement between the developer and the City.

Review Against Criteria 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.

The requirement to provide proof of financial capability is required as part of the issuance of City funds under the proposed tax increment financing request. However, the Planning Division believes it would be appropriate to also invoke the provision in the planned unit development section of the Zoning Ordinance that requires the developer to provide proof of financial capability to ensure that the entire project will be built as proposed if approved given its scope and scale and significant location in the City. 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 that would provide suitable assurances that the entire project can be constructed at least up to and including the issuance of Certificates of Occupancy for the hotel and other elements of the project.

Conformance with the Waterfront Development Standards and Conditional Use Standards:

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 and the following standards:

1. 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.
2. 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, requirements 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.
3. Any building development for habitation shall be served with public sanitary sewer.

4. 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.
5. Where the City's adopted [Comprehensive] Plan includes a pedestrian walkway or bike path along the shoreline, the proposed development shall not interfere with its proposed location.
6. 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.
7. In addition to complying with the above standards, boathouses shall not be constructed for human habitation.

The applicant submitted information on January 21, 2010 intended to establish the waterfront setback for the proposed Edgewater Hotel development, which stated that a 69.3-foot setback was required. However, the Zoning Administrator determined that the materials provided by the applicant were insufficient and would have to be supplemented by additional submittals (see attached communication dated January 28, 2010). Based on a review of City orthophotography and Sanborn Maps, it has been estimated by staff that the Edgewater project would have a required waterfront development setback of approximately 138-145 feet from the high water mark of Lake Mendota. A variance from the Zoning Board of Appeals would need to be granted in either case. A detailed survey of the 5 developed zoning lots to each side of the proposed development lot would be required in order for such a variance to be considered. Please refer to the attached Zoning Administrator's memo dated February 4, 2010 for additional information.

However, an amendment to the Zoning Ordinance was recently introduced to limit the application of the existing development pattern setback calculation to property whose principal use is residential, which will be considered by the Plan Commission on February 8, 2010 (Legislative File ID 17096). The proposed amendment will allow the Plan Commission to establish the waterfront setback as part of its consideration of a conditional use of any non-residential development, including commercial, institutional, or parks and other open spaces. The yard requirements of the underlying zoning district would still apply. The proposed zoning text amendment is similar to language that was included in the June 2009 Public Review Draft and September 2009 Public Hearing Draft (pg. 131) of the proposed new zoning ordinance, which would only apply the lakefront development setback to residentially zoned property.

Any application for approval of a waterfront development conditional use requires the applicant to provide a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In this case, most of the proposed 1.64-acre zoning lot adjacent to Lake Mendota has already been developed, with the original 1946 hotel and 1972 addition constructed at their present setbacks adjacent to the lake prior to the enactment of the waterfront development standards. The construction proposed along the eastern portion of the subject site will impact the approximately 60 feet of lake frontage the developer will be purchasing from NGL. The project calls for the removal of all of the existing vegetation in the 41-foot deep area between the base of the new tower, which steps back from the front of the 1970's addition, and the water's edge. A tree inventory was submitted to the City for review on February 1, 2010, which shows approximately 28 trees on the portion of the development site east of the existing Edgewater Hotel to be purchased from NGL, including the wooded area

between the 18-stall NGL lot adjacent to Wisconsin Avenue and the lake (identified in the inventory as "Parcel 4"). The trees identified on this portion of the inventoried land include poplar, elm and ash trees, with most of the 28 Parcel 4 trees rated as "poor" or "fair" by the certified arborist who prepared the inventory. While the inventory does not specifically address the other vegetation present on the site, it does note the presence of undergrowth in the affected area, which will also be removed as part of the development.

Details of the finished grades and final landscaping of the area in front of the base of the new tower are still being developed, although the materials provided to date suggest that the accessible entrance and ADA-compliant ramp to the lakefront will extend across the front elevation of the base of the new tower in a well-landscaped area. The existing walkway paralleling the lake's edge will be extended across the remainder of the site under the plan.

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.

Staff from the City Engineering Division has reviewed the proposed Edgewater project with regard to its City stormwater regulatory requirements. Stormwater from this development requires construction site erosion control, control of total suspended solids (TSS), and oil and grease control. Infiltration and stormwater detention are not required. 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.

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. The Plan Commission should review the project against all of the conditional use standards. Of particular note are Standards 1, 3, 4, 5, and 6. Standards 5 and 6 relate to the provision of adequate utilities and infrastructure including roads, drainage, parking supply, and internal circulation improvements. Standard 6 relates to measures which have been or will be taken to provide adequate ingress and egress including off-site improvements designed to minimize traffic congestion and ensure public safety and adequate traffic flow, both on-site and on the public streets. The City's Engineering Division and Traffic Engineering Division have recommended conditions of approval for this project.

Conditional use standard #1 states that the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare. 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.

Conditional use standard #3 indicates 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. Concerns have been expressed by some neighbors of the property concerning the enjoyment of their properties in relationship to the proposed project being built. Concerns have been expressed about

potential traffic impacts, bus parking, accommodations of delivery vehicles, and blockage of view corridors, to name several. The Plan Commission will need to carefully consider the testimony provided at the public hearing, materials submitted by both the applicant and those in opposition to this project, and the comments by staff in determining whether this standard can be met or if changes to the project will be required in order for the Commission to conclude that the standard can be met.

Conditional use standard #4 states 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. 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 zoning code rewrite, and in consideration of the recommendations within the City's adopted plans including the anticipated new Downtown Plan. However, as was recommended during the review of the project's conformance with the planned unit development standards, it may be appropriate for a continuing jurisdiction provision to be incorporated into the PUD zoning text for this project because of the scope of the hotel development and its location on the edge of a densely developed neighborhood. While continuing jurisdiction attaches to this project by virtue of its status as a waterfront development conditional use, inclusion of more project-specific language in the PUD zoning text could provide the Plan Commission with the ability to address any potential issues that might arise related to the greater development from such things as the operation of outdoor uses or from traffic and circulation issues.

Conclusion

The applicant is requesting approval to rezone 1.64 acres of property located at the northern end of Wisconsin Avenue in the Mansion Hill Historic District from R6H and HIST-MH OR to PUD-GDP-SIP to facilitate the redevelopment and expansion of the existing Edgewater Hotel. In all, the project calls for the renovation of the original 1946 hotel and addition of one story, modifications to the portion of the hotel added in 1972 and construction of a new hotel tower on the eastern portion of the site. Because the existing Edgewater Hotel and proposed expansion abuts Lake Mendota, the project also requires approval of a conditional use for waterfront development.

The applications before the Commission demand a very careful review against the applicable standards in the Zoning Ordinance. As outlined above, the project requires two distinct but interrelated approvals: approval of a zoning map amendment to Planned Unit Development zoning and approval of a conditional use for waterfront development. In order to approve the overall project, the Plan Commission will need to find that the standards for zoning map amendments, planned unit developments, waterfront development and conditional uses are all met with the proposal.

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. An amendment to the Zoning Ordinance is pending that would eliminate application of the waterfront development setback average for non-residential projects such as the Edgewater, which if approved would obviate the project from having to receive a variance from the Zoning Board of Appeals prior to proceeding. If the zoning text amendment is not

approved, a variance approval will be required before the planned unit development can be recorded. 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 a continuing jurisdiction provision be incorporated into the PUD zoning text to address potential issues that might arise related to the development from the outdoor uses on the subject site or from traffic and circulation concerns. The Plan Commission will need to determine, based on testimony at the public hearing and after considering all the information provided, whether any changes to the project are needed to ensure that it does not substantially impair the uses, values and enjoyment of other properties in the area.

Regarding the proposed rezoning of the site to PUD-GDP-SIP, a determination must be made whether the essential bulk and form of the building proposed and its location on the site can meet the standards for zoning map amendments and planned unit developments. The standards for zoning map amendments require the Plan Commission to find the zoning map amendment in the public interest. As of January 1, 2010, the City's action on zoning map amendments must also be found to be consistent with the Comprehensive Plan. The criteria for approval of a planned unit development require the Plan Commission to consider the character and intensity of development and its compatibility with the area and the project's potential to produce significant community benefits in terms of environmental and aesthetic design, as is called for by the Zoning Ordinance.

However, the project's consistency with the Comprehensive Plan must also be considered in light of a series of other broader land use goals, policies and recommendations. While elements of the project appear to achieve recommendations in the plan that call for primary views to terminate at important buildings, distinctive architectural elements, natural features, parks or open spaces, for increased and improved public access to the lakefronts, and the creation of high-quality public open spaces, including plazas maintained on private property, the size and placement of the proposed new tower would also constrain the views from other vantage points, in particular the Wisconsin Avenue view corridor between the State Capitol to Lake Mendota, and from the lake to the Capitol. The Comprehensive Plan recommends that incursions by development that would degrade the views to and from the lakes, rivers and creeks be avoided and that views and vistas of significant value, such as views of the lakes and the Capitol, be treated sensitively. The Comprehensive Plan also recommends that new development be complementary to and compatible with the existing and planned characteristics of the surrounding neighborhood, and the recommendation that infill development be designed to be compatible with the architectural character and scale of existing development. This point is most germane in the consideration of the scale and character of the new tower on the eastern portion of the site, which will be considerably greater in scale to most other buildings in the surrounding neighborhood.

Regarding the compatibility with the Comprehensive Plan, staff recommends that the Plan Commission carefully consider the language included in the Plan that indicates that the land use recommendations in the plan should be considered preliminary until more detailed plans for the Downtown are developed and the section of the plan which indicates that the maps are a representation of the recommended pattern of future land use at a large scale and are not intended for application on a parcel-by-parcel basis, nor should they be interpreted as similar to a zoning district map. 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. However, the Plan Commission and the Common Council should consider this information and any other information provided and make their determination as part of the consideration of the PUD zoning map amendment and, if

necessary, request modifications to the project, which will allow the Commission and Council to make this determination.

Many of these factors also tie directly into whether the criteria for approval of planned unit developments can be met, namely the project's compatibility with the physical nature of the site or area. The applicant must also verify that the parking and loading proposed to serve the hotel development is sufficient.

The Edgewater Hotel project has become one of the most contentious land use proposals the City has considered in recent memory. On the one hand, the proposal represents an exciting opportunity for the downtown and the community has a whole to revitalize one of the downtown's signature properties. The project, if approved, will result in significant benefits to the public including the restoration of the 1946 original Edgewater Hotel, the removal of the top floor of the 1970's addition, the improvement of views to the lake from certain locations, increased pedestrian accessibility to the lakefront, the provision of additional usable open space on the rooftop plaza, and the construction of a new hotel tower which will be an asset to the downtown. While the substantial benefits have been discussed at length by proponents of the project, there have been significant concerns expressed by those who oppose the project. Issues related to the placement of the new tower adjacent to the existing and vacated portions of Wisconsin Avenue, impacts on the view corridor, the height of the new tower, the overall mass of the new building, accommodations for delivery vehicles and bus parking, the adequacy of access to the lakefront, and the adequacy of the plan for the plaza have all been raised as significant concerns that some want to be addressed prior to the project being approved. While other concerns remain, it appears that the two most significant issues related to the project relate to the height and mass of the new tower and its location adjacent to the Wisconsin Avenue right of way and that portion of the right of way, which was vacated in 1965. These issues could be substantially mitigated by setting the building back further from Wisconsin Avenue.

The Plan Commission will need to consider the proposed project against the standards for approval of a planned unit development when making its recommendation to the Common Council. If the Plan Commission can find that all of the standards for approval are met, then a recommendation for approval should be forwarded to the Common Council. If the Commission believes that additional changes should be made to the project then the Commission can choose to recommend approval of the project subject to those changes being made or can recommend referral pending the changes being made for review by the Commission. The Commission will also need to make findings and a decision on the waterfront development conditional use permit as well.

Instructions & Recommendation

On February 3, 2010, the Urban Design Commission recommended referral of the proposed Edgewater Hotel Planned Unit Development.

MGO Section 33.24 (4)(b) requires the Urban Design Commission (UDC) to review the design of all developments that are considered planned developments in the Zoning Ordinance, including planned unit developments. In exercising this power through its review of planned unit developments, the UDC is bound by the provisions of Secs. 28.07(4), (5) and (6) of the Zoning Ordinance and is required to report its findings to the Plan Commission and Common Council. In practice, the Plan Commission has historically not taken up a planned development where a UDC recommendation or finding is required until the UDC has acted.

Typically, a referral by UDC is not considered a recommendation or finding for the purposes of allowing the Plan Commission to review and act on a project. However, the UDC in referring the Edgewater project on February 3 asked the Plan Commission to proceed with its public hearing on the project and to begin weighing the various land use issues that surround the project that are in its purview so that the UDC can glean direction for its future deliberations on the project.

In taking this somewhat unusual action, the UDC wished for the Plan Commission to know that it recognizes the benefits of the project proposal, including in rectifying the mistakes of the 1970's addition and lake views, public use and lake access by removal of the top level of the addition; that the restoration of the original 1946 hotel tower through reinvestment is appropriately done; that the project activates the lakeshore and provides possibilities for enhancing lakeshore path development; that the Plan Commission carefully consider issues of precedent and other factors they weigh in a PUD; that the UDC recognizes and strongly recommends a management agreement that strikes a balance with programming and public use, even though that specific item is not considered by the UDC, and; that the lake setback needs to be approved for present footprint through city approval process as condition of this design.

The UDC also recommended that the developer return to them with additional information on stormwater management, perspectives with lake views from the Langdon Street sidewalk and the loading dock elevation and that the developer continue to explore set back alternatives for the new tower.

Urban Design Commission reports related to Edgewater development dated August 5, September 2 and November 4, 2009 are attached. The report from the most recent UDC meeting on the project on January 20, 2010 has not been finalized at this time.

The Edgewater Hotel redevelopment has been handled as one project for the purposes of providing public notice and agency review. However, it will require two interrelated land use actions by the Plan Commission. In order for the project to proceed, the Plan Commission will need to make an affirmative finding for both the rezoning to PUD-GDP-SIP and the waterfront development conditional use.

If the Plan Commission can find the standards for approval for zoning map amendments and planned unit developments met and the proposed rezoning consistent with the Comprehensive Plan, the Planning Division recommends that it forward Zoning Map Amendment ID 3453 & 3454, rezoning 666 Wisconsin Avenue from R6H (General Residence District) and HIST-MH OR (Mansion Hill Historic District/Office Residence District) to PUD-GDP-SIP (ID 15955), with a recommendation of approval following a recommendation by the Urban Design Commission.

If the Plan Commission also finds that the conditional use and waterfront development standards are met for the Edgewater Hotel redevelopment, it should approve the conditional use. Plan Commission actions in the affirmative of both the planned unit development zoning and conditional use shall be subject to input at the public hearing and the Planning Division conditions and conditions from reviewing agencies that follow in the next section and also following a recommendation by the Urban Design Commission.

Should the Commission find the applicable standards *not* met for the Edgewater Hotel redevelopment project, it should cite for the record which specific standards are not met and refer both the planned unit development and conditional use applications with directions to the developer regarding the specific changes the Commission believes are needed in order for the for the standards to be met.

The Plan Commission should also recommend **referral** to the Common Council of Legislative File ID 17101 amending the 1965 ordinance vacating Wisconsin Avenue, pending a recommendation from the Board of Estimates scheduled for February 15, 2010.

Conditions of Approval & General Ordinance Requirements

Major/Non-Standard Conditions are shaded

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

1. That the developer receive all necessary approvals from the State of Wisconsin for any existing or proposed projections into Lake Mendota or modifications to the lakeshore. The final recorded development plans shall show these projections only as approved by the State.
2. That the developer include an ADA-compliant accessible route through the proposed hotel complex to Lake Mendota and the central plaza for approval by the Director of the Planning Division in consultation with the directors of the Building Inspection Division.
3. That the developer and National Guardian Life (NGL) receive final site plan approval of the proposed relocation and reconfiguration of the NGL surface parking lot adjacent to Wisconsin Avenue to accommodate the Edgewater loading dock maneuvering plan prior to final staff approval and recording of the planned unit development plans.
4. That the developer and NGL submit a Certified Survey Map (CSM) of their entire ownerships for City approval prior to the submittal of the final planned unit development documents for recording. The CSM shall reflect the proposed lot configuration following the sale of NGL lands to the applicant and shall include any easements to be dedicated to the public to facilitate implementation of the project, except as separately required in these conditions of approval. The approved CSM shall be recorded immediately following final approval and recording of the planned unit development.
5. That the property owner(s) execute all easements deemed necessary by the Common Council to assure the public's access as included in the approved development. Acceptance of these easements shall occur prior to the release or modification of any existing public easements, with all new recorded easements to be reflected on the final CSM required in the preceding condition.
6. That the developer enter into a Maintenance Agreement with the City as required by the Common Council to address the use, operation and maintenance of the various public and semi-public spaces included with the proposed development. This agreement shall be finalized prior to the final approval and recording of the planned unit development.
7. That the developer submit proof of financing and executed contracts with construction firms for the entire scope of the project, which provide assurances that the entirety of the project will be completed once started, in a form acceptable to the Director of the Department of Planning and Community & Economic Development prior to the recording of the planned unit development and the issuance of any building permits. For the purposes of this condition, the entire scope of the project shall mean all excavation; site utility construction; construction of improvements in the public right of way and on the zoning lot; structural, electrical, plumbing and mechanical construction, and; any other building improvements and furnishings required by the Director of the Building Inspection Division for the issuance of Certificates of Occupancy for the project.

8. That the developer receive all necessary approvals from the City of Madison for any encroachments into the Wisconsin Avenue right of way such as underground parking, utility vaults, terraces, stairs, overhangs, projections, etc. prior to the final staff approval and recording of the planned unit development.
9. That the zoning text be revised prior to recording per Planning Division approval as follows:
 - 9a. a "Statement of Purpose" section that reads as follows shall be added: "The following Zoning Text has been prepared on behalf of Midwest Realty and Investment Corporation for the Edgewater Hotel Planned Unit Development District, which has been established to allow for the redevelopment and expansion of the Edgewater Hotel, located at 666 Wisconsin Avenue in Madison, as more particularly described on the attached Legal Description incorporated herein by reference as Exhibit I and in the Letter of Intent for the project." The two "Whereas" clauses and the "Now, Therefore" clause shall be removed;
 - 9b. the Additional Leased Area, Project Area, Bulk Consistency, Amendment to [Wisconsin Avenue right of way ordinance], Open Space, Outdoor Plazas/ Public Space, and Rooftop Installations sections shall be removed, as those sections are either not appropriate in a zoning text, belong in the Letter of Intent, or will be subject to other, separate approvals outside the confines of the PUD;
 - 9c. that the list of permitted uses for the development read as follows and as finalized with staff prior to recording of the PUD:
 - Hotel/lodging rooms and suites
 - Multi-family residences, limited to no more than 10 units as stated in the Letter of Intent
 - Restaurants and taverns
 - Ballrooms and banquet/ meeting facilities
 - Spas, salons and health clubs
 - Outdoor eating areas as shown on the approved plans
 - Public terraces and open spaces as shown on the approved plans
 - Uses accessory to those listed above, including parking and loading to serve the project
 - 9d. that the Floor Area Ratio/ Building Height, Yard Area Requirements, Landscaping, Off-Street Parking and Loading, and Lighting sections all be revised to read "As shown on approved plans;"
 - 9e. that signage be limited to the maximum permitted in the C1 zoning district, subject to approval by the Urban Design Commission and Zoning Administrator.
10. That the following section be added to the zoning text for the planned unit development:

"Continuing Jurisdiction: The Plan Commission shall retain continuing jurisdiction over this planned unit development for the purpose of resolving complaints against this project. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of the approved specific implementation plan, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of the Zoning Code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject planned unit development is impeding the normal and orderly development and improvement of surrounding properties, or the uses, values and enjoyment of other property in the neighborhood, including through the creation traffic and parking congestion within the surrounding area. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Sec. 28.12(11)(f). Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Plan Commission may, in order to bring

the project into compliance with the standards set forth herein or any conditions previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions upon this planned unit development.”

11. That the development plans be revised prior to recording per Planning Division approval to include:
 - 11a. a fully dimensioned site plan for the entire project with setbacks shown adjacent to all property lines and the existing and vacated right of way lines of Wisconsin Avenue;
 - 11b. the location and arrangement of bike parking to serve the project as required by 28.11 of the Zoning Ordinance.
12. 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 be remain free of any obstructions, including proposed outdoor eating areas.
13. That the final project landscaping plan and vegetation removal and grading plans adjacent to Lake Mendota be approved by the Director of the Planning Division prior to final approval and recording of the planned unit development.
14. That the developer receive a variance from the Zoning Board of Appeals from the waterfront development setback average of the 5 developed zoning lots to each side of the proposed development lot prior to final approval and recording of the planned unit development unless this requirement is eliminated by an amendment to the Zoning Ordinance.
15. That the developer submit a Transportation Demand Management Plan for approval by the Director of the Planning Division and City Traffic Engineer prior to final approval and recording of the planned unit development.
16. That the developer demonstrate that loading activities for the development, including maneuvering for the loading dock, can be accommodated entirely within the proposed PUD zoning district as required by Section 28.04 (3)g. of the Zoning Ordinance. If the applicant cannot demonstrate that such maneuvering occurs entirely within the PUD, the PUD district will need to be enlarged through a zoning map amendment to accommodate the full maneuvering area prior to final approval and recording.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

17. All utility work (storm, sanitary & water) shall be included in the Developers Agreement.
18. The applicant shall obtain all necessary agreements for the use of the public right of way.
19. The applicant shall grant all necessary easements or access as determined by the City Engineer and City Attorney and as required to facilitate the public's use of the proposed public spaces including the plaza, elevators, stairways, and the lake shore path.
20. Stormwater detention is required if 20,000 square feet of “new” impervious area is being created.

21. PC-SWMM for stormceptor is no longer a Wisconsin Department of Natural Resources (WDNR)-approved program—hand calculations or SLAM shall be used to determine stormwater BMP performance.
 22. New outfalls to the lake may require proof of WDNR approval, which will be required before a City erosion control permit is granted.
 23. The applicant shall provide estimated sanitary flow calculation for the new hotel to determine if the existing City sanitary sewer has adequate capacity for this hotel redevelopment.
 24. All sanitary sewerage shall be directed to the sewer main on Langdon Street.
25. The construction of this development will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City/Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project. (Per MGO 16.23(9)c)
 26. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
 27. The applicant shall make improvements to Langdon Street and Wisconsin Avenue in order to facilitate ingress and egress to the development.
 28. The approval of this planned unit development does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester. (Per MGO 16.23(9)(d)(6))
 29. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
 30. The applicant shall replace all sidewalk and curb and gutter that abuts the property, which is damaged by the construction or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
 31. All work in the public right of way shall be performed by a City-licensed contractor. (Per MGO 23.01)

32. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan in PDF format to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816.
33. The site plans shall be revised to show the location of all rain gutter down spout discharges.
34. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
35. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
36. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2 & 10-year storm events; control 40% TSS (20 micron particle) off of new paved surfaces; provide oil & grease control from the first 1/2" of runoff from parking areas, and; complete an erosion control plan and 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.
37. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) lzenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
38. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
39. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. 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.
40. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
41. The site plan shall be revised 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.

Traffic Engineering Division (Contact John Leach, 267-8755)

42. The developer shall demonstrate adequate provisions for truck and bus ingress, and egress, movements to serve and turn around on the site. The applicant shall provide truck and bus movements onto the site demonstrating that both types of vehicles will be able to ingress and egress only in a forward manner to Wisconsin Avenue according to Madison General Ordinances. The applicant will have to demonstrate that the ingress/egress for both loading berths is adequate and will work when another semi-truck is in the other semi loading area. The applicant will need to prepare several exhibits showing ingress and egress to the loading areas from Wisconsin Avenue and Langdon Street with semi truck in both loading docks. The demonstration should include semi trucks making ingress/egress movements at Wisconsin Avenue in a forward manner.
43. The applicant shall submit a letter of operation of the auto court for valet parking, queuing model, loading and unloading of vehicles. The applicant will need a signage plan to control the operation of the auto court.
44. The applicant shall submit a Transportation Management Plan for special events for over-parking and shuttles, etc.
45. The applicant shall enter into a Developer Agreement for the planned improvements to upgrade Wisconsin Avenue and Langdon Street prior to final approval, and post a deposit and surety to pay for the work.
46. The street type approaches at Wisconsin Avenue and Langdon Street shall be reviewed and approved by the City Traffic Engineer and City Engineering Division. In addition, the applicant shall be responsible financially to maintain pavement marking as approved by the City Traffic Engineer. The applicant shall at all times maintain crosswalks, stop bars and lane lines, signage and included in the geometrically special design "Street Type Entrance." The applicant shall provide a detail 1" = 20' drawing of the "Street Type Entrance." The applicant shall show, lane dimensions, lane line color and width according to the Federal Highway Administration "Manual On Uniform Traffic Devices." in epoxy for lane lines, 12-inch crosswalk lines, 24-inch stop bars, pavement markings details and signage to as approved by the City Traffic Engineer. In addition, a note shall be shown on the plan, "ALL PAVEMENT MARKING SHALL BE INSTALLED IN EPOXY AND MAINTAIN BY THE PROPERTY OWNER."
47. The approval of this PUD-GDP-SIP does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and Common Council for the restoration of the public right of way including any changes requested by the developer.
48. Edgewater parking rates to the general public (not tenants, customers or hotel guests): The developer shall execute a parking rate agreement with the Parking Utility to ensure that parking rates charged to the general public in the project's TIF-funded ramp are not less than the rates charged by the Parking Utility. "General public" shall be defined to mean parkers other than hotel guests, visitors and employees. In the past the Parking Utility has secured a similar agreement with a developer that received TIF funds to reduce the cost of the development's parking facility. Without such an agreement, publicly subsidized private parking structures could undercut the Parking Utility's parking rates and negatively impact its revenues. The agreement shall cover leased, monthly, daily and hourly rates. Please contact Bill Knobeloch, Parking Operations Manager at 266-4761 if you have questions regarding this condition.

49. The applicant shall submit a signage plan to show public lake ingress and egress access from Wisconsin Avenue to Lake frontage and back. In addition, the applicant will need show signage for accessible routes.

50. The applicant shall provide a recorded easement or agreement to accommodate Public Lake Access. The applicant shall graphically show the public access on the site plans and recorded PUD-GDP-SIP.

51. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2-foot overhang, and a scaled drawing at 1" = 20'.

52. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.

53. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.

54. The driveway and site design at Wisconsin Ave shall be so designed so as not to violate the City's sight triangle preservation requirement, which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.

55. The attached traffic signal/street light declaration of conditions and covenants shall be executed and returned with the final site plans. The development shall acknowledge their proportionate share of traffic signal assessments, as may be planned in a future year. The development shall further agree in writing to not oppose their proportionate share of the traffic signal assessments as part of the City's Special Assessment districts for traffic signals.

56. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.

57. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator

→ See the attached February 4, 2010 memo from Matt Tucker, Zoning Administrator, which includes the Zoning Office's recommended conditions of approval for this project.

Parks Division (Contact Tom Maglio, 266-4711)

58. The conversion of a portion of the top two floors of the new hotel tower into residential dwelling units will require the payment of park impact fees prior to the issuance of permits for the conversion. Final park dedication and development fees will be determined for the residential units at the time of the conversion and will be based on the fees due and payable in the year the building permits are issued for the dwelling unit conversion. The applicant shall acknowledge the requirement to pay park impact fees for the future conversion of a portion of the hotel into dwelling units in the zoning text for the final PUD.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency did not submit comments for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This agency submitted a response with no conditions of approval for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.