



Project Address: 4711 Eastpark Boulevard (17th Alder District – Alder Madison)

Application Type: Conditional Use

Legistar File ID # [77939](#)

Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Jessica Vargas; Holladay Properties Services Midwest, Inc.; 3454 Douglas Road #250; South Bend, IN 46635

Owner: Jane Grabowski-Miller; American Family Mutual Insurance Company SI; 6000 American Parkway; Madison, WI 53783

Requested Action: Consideration of conditional uses for hotel (§28.082(1)) in the SEC district.

Proposal Summary: The applicant is seeking approval to construct a four-story, 124-unit hotel on one of two new lots to be created by plat. Review of the land division will be considered separately.

Applicable Regulations & Standards: Section 28.183 MGO provides the process and standards for the approval of conditional uses.

Review Required By: Plan Commission

Summary Recommendations: The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met for a hotel in the SEC district, subject to the conditions from reviewing agencies beginning on page 4.

Background Information

Parcel Location: The subject site is a proposed 3.4-acre lot located west of Eastpark Boulevard approximately 1000 feet south of North Biltmore Lane. It is within Alder District 17 (Ald. Madison) and the De Forest School District.

Existing Conditions and Land Use: The subject site, which is zoned SEC (Suburban Employment Center District), is currently undeveloped.

Surrounding Land Uses and Zoning:

North: A vacant developable lot zoned SEC (Suburban Employment Center district);

East: Across Eastpark Boulevard, a vacant lot recently approved for multifamily residential development zoned TR-U2 (Traditional Residential – Urban 2 district).

South: A proposed vacant developable lot, with a 4-story office building beyond zoned SEC; and

West: Interstate Highway 39/90/94.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Employment (E) for the subject site. The [Rattman Neighborhood Development Plan](#) recommends Employment/Office uses for the site.

Zoning Summary: The subject property is zoned SEC (Suburban Employment Center District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	1 acre	3.4 acres
Lot Width	100'	>100'
Front Yard Setback	10'	Adequate
Side Yard Setback	10'	Adequate
Rear Yard Setback	The greater of 30' or 45% of building height	Adequate
Maximum Lot Coverage	75%	52%
Maximum Building Coverage	50%	<50%
Minimum Building Height	22' measured to building cornice	4 stories
Maximum Building Height	None	4 stories

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	134 stalls
Electric Vehicle Stalls	1% EV: 1 10% EVR: 13	5 (2)
Accessible Stalls	Yes	5
Loading	2 (10' x 50')	None (1)
Number Bike Parking Stalls	Hotel: 1 per 10 bedrooms (12)	14
Landscaping and Screening	Yes	Yes (3)(4)(5)
Lighting	Yes	Yes
Building Form and Design	Yes	Flex building (6)

Other Critical Zoning Items	Barrier Free (ILHR 69), Utility Easements
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Table prepared by Jenny Kirchgatter, Assistant Zoning Administrator

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

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

Related Approvals: The applicants are also seeking to create two new lots by subdividing Lot 42 of the American Center plat into lots 56 and lot 57 and to construct the hotel that is the subject of this report on lot 56. Proposed Lot 56 is the 3.4 acres in the northeast corner of existing Lot 42. The larger (11.53 acres) Lot 57 will remain undeveloped as of this time. The preliminary and final plat of The American Center Eastpark Sixth Addition will be reviewed as Legislative ID [77938](#).

Project Description

The applicant's proposed hotel is four stories tall and will contain 124 rooms. The primary building entrance faces Eastpark Boulevard. In addition to the entry lobby, the first floor is proposed to include guest amenities such as a lounge, laundry, and fitness room. Front desk hours are proposed to be 9 a.m. to 10 p.m. daily, but staff will be onsite 24 hours per day. The proposed site includes 134 vehicle parking stalls and 14 bicycle parking stalls. The majority of the vehicle parking is located wrapping the north, west, and south sides of the building, with some

parking between the building and the street, as well as a drop-off pull-out near the front entrance. Access to the site will be via a driveway on Eastpark Boulevard.

Primary façade materials include a light gray brick and EIFS wall panels of various colors, including natural white, two shades of gray, and green. Trim and accent materials include additional EIFS wall panel colors, bronze-colored metal coping, and bronze-colored aluminum storefront units. Each hotel room is served by an individual PTAC (Packaged Terminal Air Conditioner), with dark bronze louvers and grille covers.

A bioretention basin is proposed for the northwest corner of the site. Landscaping includes a number of low plantings around the base of the building and within parking lot islands. Shade trees, evergreen trees, and smaller ornamental trees are located around the perimeter of the parking lot and the edges of the proposed building.

If the proposal is approved, the applicant intends to begin construction in August 2023, with completion by summer 2024.

Analysis & Conclusion

This request is subject to the standards for conditional uses. This section begins with adopted plan recommendations, then provides an analysis of the conditional use standards, before offering a conclusion and recommendation.

Conformance with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Employment (E) for the subject site. Employment areas include predominantly corporate and business office, research facilities, laboratories, hospitals, medical clinics, and other similar uses. The [Rattman Neighborhood Development Plan](#) similarly recommends Employment/Office uses for the site. Hotel uses are generally included as “limited retail and service establishments that primarily serve employees and users of the area,” in this case the very large Employment-designated areas of the American Center.

Conditional Use Standards

The applicant is requesting approval of conditional uses for a hotel in the SEC district. In regards to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) M.G.O. are met. Staff advises the Plan Commission that in evaluating the conditional use standards, State law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation. As noted above, the Planning Division believes that the proposal can be found consistent with the recommendations of the [Comprehensive Plan](#) and [Rattman Neighborhood Development Plan](#).

Staff does have concerns regarding conditional use standard of approval 9, which states that the Plan Commission shall find that the proposed building “creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and statement of purpose for the zoning district.” The proposed building design includes a large amount of EIFS on primary facades, which is a concern for staff. The proposal has been by the American Center Proposal Review Committee, which recommended conditional approval of development with a condition replacing the EIFS in the entry niche replaced with brick. That change has already been made to the plan set before the Plan Commission.

Staff believes all other conditional use approval standards can be found met or are not applicable to this proposal.

Conclusion

When the recommendations of the adopted plans are considered Staff believes that the Plan Commission can find the conditional use approval standards can be met.

At time of report writing, staff is not aware of any public comment received regarding this request.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met for a hotel in the SEC district, subject to the conditions from reviewing agencies below.

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

Planning Division (Contact Colin Punt, 243-0455)

1. Planning staff agrees with and supports the condition by the American Center PRC to replace the EIFS in the entry niche replaced with brick, which is reflected in the current plans.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

2. Required loading facilities shall comply with MGO Section 28.141(13). Provide two (2) 10' x 50' loading areas with 14' vertical clearance to be shown on the plan. The loading areas shall be exclusive of drive aisle and maneuvering space. The required number of loading spaces may be reduced through conditional use approval.
3. Provide electric vehicle stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the parking stalls (13 stalls) must be electric vehicle ready, and a minimum of 1% of the stalls (1 stall) must be electric vehicle installed. Identify the locations of the electric vehicle ready and installed stalls on the plans.
4. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
5. Submit a detail of the trash enclosure. The trash enclosure shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
6. Submit a rooftop plan showing the location of any proposed rooftop mechanical equipment and screening. All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Section 28.142(9)(d).

7. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass, at least eighty-five percent (85%) of the glass on glass areas fifty (50) square feet or over must be treated. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner must be treated. Identify which glass areas are 50 sq. ft. or greater and which glass areas will be treated. Provide a detail of the specific treatment product that will be used.
8. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
9. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

City Engineering Division (Contact Brenda Stanley, 261-9127)

10. Projected wastewater flow calculations are required as a condition or plan approval. Offsite sewer improvements by the developer may be required as a condition for plan approval. Submit projected wastewater flows to Mark Moder, mmoder@cityofmadison.com, to confirm City sewer has adequate residual capacity.
11. The discharge from the pool needs to be understood. If discharging to sanitary there are likely maximum discharge rates. If discharging to storm sewer a health permit for non-storm discharge is required.
 12. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
 13. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
 14. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
 15. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
 16. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
 17. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their

NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>.

The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.

18. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
19. Revise the plans to show a proposed private internal drainage system on the site. Include the depths and locations of structures and the type of pipe to be used. (POLICY AND MGO 10.29)
20. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>
This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)
This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering 608-266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
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.
21. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.
The Storm Water Management Plan & Report shall include compliance with the following:
Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.
Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering. (POLICY and MGO 37.09(2))
Rate Control New Development: Detain the 100, & 200 - year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.
Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

22. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or troester@cityofmadison.com (West).

City Engineering Division – Mapping Section (Contact Jeffrey Quamme, 266-4097)

23. A substantial retaining wall is shown adjacent to the south property line. If entry onto the adjacent lands for construction and maintenance is required or tie backs would encumber the adjacent lot, provide a recorded easement/agreement for the uses over the adjacent lot.
24. Provide a Private Sanitary Easement for the lateral serving this proposed building that crosses a portion of the Lot to the north to connect to the public sanitary sewer.
25. Label the proposed new Lots 56 and 57 on the site plan.
26. The pending plat application for American Center Eastpark Sixth Addition shall be completed and recorded with the Dane County Register of Deeds (ROD), the new parcel data created by the Assessor's Office and the parcel data available to zoning and building inspection staff prior to issuance of building permits for new construction.
27. A few of the hotel room numbers are out of sequence. They will need to be revised. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan of each floor level on a separate sheet/page for the development of a complete interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) PRIOR to the verification submittal stage of this LNDUSE with Zoning. The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall provided for additional review and approval by Engineering. Per 34.505 MGO, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

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

28. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
29. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light

poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

30. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
31. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
32. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
33. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
34. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
35. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
36. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds three stories prior to sign-off to be reviewed and approved by Andrew Oliver, (267-1979, aoliver@cityofmadison.com) Traffic Engineering Shop, 4151 Nakoosa Trail. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
37. The applicant shall provide a clearly defined 5' walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.
38. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.

Fire Department (Contact Bill Sullivan, 866-4691)

39. Private fire service mains serving fire hydrants shall be the same size as the public mains supplying the private mains unless hydraulically calculated to provide the minimum required fire flow and pressure. In all cases, mains serving fire hydrants do not need to exceed 10-inches but shall be at least 6-inches. See MGO 34.507 for additional information.

Water Utility (Contact Jeff Belshaw, 261-9835)

40. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

Metro Transit (Contact Tim Sobota, 261-4289)

41. Metro Transit operates daily all-day transit service along Eastpark Boulevard adjacent this property - with trips at least every 60 minutes.

42. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 32 Weekday & 17 Weekend. Please contact Metro Transit if additional analysis would be of interest.

The Parks Division has reviewed this request and has recommended no conditions of approval.