

# PLANNING DIVISION STAFF REPORT

August 20, 2018



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 924 E. Main Street and 901 E. Washington Avenue  
**Application Type:** Demolition Permit and Conditional Use Alteration  
**Legistar File ID #** [52563](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

## Summary

**Applicant and Property Owner:** Archipelago Village, LLC; 505 N. Carroll Street; Madison.

**Contact Person:** Doug Hursh, Potter Lawson, Inc.; 749 University Row, Suite 300; Madison.

**Requested Actions:** Approval of a demolition permit to allow a commercial building at 924 E. Main Street to be razed, and consideration of an alteration to an approved conditional use for a hotel at 901 E. Washington Avenue to allow a revised parking layout following the demolition.

**Proposal Summary:** The applicant proposes to demolish the one-story brick building at 924 E. Main Street to facilitate the ongoing redevelopment of the former Mautz Paint property in the 900-block of E. Washington Avenue. The first phase of the redevelopment includes the conversion and expansion of the former Kleuter warehouse into a 144-room hotel with restaurant. The applicant indicates that demolition of the 924 building is necessary to remediate contamination on the hotel site without the need to provide shoring for the building, which the applicant indicates would eventually be demolished to support future phases of their planned redevelopment of the larger site. As part of this request, the applicant proposes to relocate the underground stormwater chamber approved to serve the hotel parking lot and make minor modifications to the hotel parking lot plan. The applicant indicates that the relocated stormwater chamber would be better situated to serve future phases of the larger block redevelopment.

Demolition of 924 E. Main Street and remediation of the site would commence as soon as all regulatory approvals have been granted, with completion anticipated in spring 2019. Construction of the hotel project is ongoing, with completion anticipated in 2019.

**Applicable Regulations & Standards:** Table 28F-1 in Section 28.082(1) of the Zoning Code identifies hotels, inns and motels, and restaurant-taverns and accessory outdoor eating areas, as conditional uses in the TE zoning district. Section 28.183 provides the process and standards for the approval of conditional use permits, including alterations to approved conditional uses. Section 28.185 provides the process and standards for the approval of demolition and removal permits. The criteria for new development in Urban Design District 8 are found in Section 33.24(15) of the Urban Design Commission ordinance.

**Review Required By:** Plan Commission. In addition, the revised site and landscaping plans will be reviewed by the Secretary of the Urban Design Commission prior to final approval and issuance of permits for this project.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission may find the standards met and **approve** a demolition permit and conditional use alteration to allow the building at 924 E. Main Street to be razed for a revised parking layout for a hotel at 901 E. Washington Avenue, subject to input at the public hearing, and the conditions from reviewing agencies beginning on page 5 of this report.

**Background Information**

**Parcel Location:** The overall hotel redevelopment occupies an approximately 3.0-acre parcel generally located at the southeasterly corner of E. Washington Avenue and S. Paterson Street; Aldermanic District 6 (Rummel); Urban Design District 8; Madison Metropolitan School District. The applicant owns all but one parcel within the 900-Block, which extends to S. Brearly Street. The overall ownership is comprised of approximately 4.27 acres of land, although the conditional use approval is limited to the westernmost 3.0 acres.

**Existing Conditions and Zoning:** The site is developed with the one-story brick commercial building located at 924 E. Main Street and the historic five-story Kleuter Wholesale Grocery Warehouse at 901 E. Washington Avenue, which is currently being converted into a 144-room “Hotel Indigo,” with a five-story, 38,419 square-foot addition being constructed primarily off of the easterly side wall of the building. All of the other buildings on the 3.0-acre site have previously been approved for demolition. The entire site is zoned TE (Traditional Employment District).

**Surrounding Land Uses and Zoning:**

- North: Breese Stevens Field, zoned PR (Parks and Recreation District);
- South: Madison Water Utility storage facility and garage, and Common Wealth Development’s Main Street Industries multi-tenant industrial facility, zoned TE (Traditional Employment District);
- West: One- and two-story multi-tenant commercial building, Madison Moving & Storage, zoned TE;
- East: City Employees Credit Union and multi-tenant commercial buildings along E. Washington Avenue, zoned TE.

**Adopted Land Use Plans:** The Comprehensive Plan recommends the subject site and the E. Washington Avenue frontage for Employment uses.

The East Rail Corridor Plan identifies the site for commercial and industrial uses consistent with the historic use of the property as part of a larger employment center corridor that is centered along E. Main Street and generally extends from E. Washington Avenue to E. Wilson Street.

The East Washington Avenue Capitol Gateway Corridor Plan recommends the subject block for employment, with opportunities for commercial along the entire E. Washington Avenue frontage. The Plan includes specific recommendations for height, building placement, and design which have been codified in MGO 33.24(15) for Urban Design District 8.

**Zoning Summary:** The site is zoned TE (Traditional Employment District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	186,035 sq. ft.
Lot Width	50'	528'
Front Yard, per UDD 8	15' Minimum	15' for addition
Side Yards, per UDD 8	0-10' along Paterson, 0' on interior	Adequate, existing

Requirements	Required	Proposed
Rear Yard	Lesser of 20% lot depth or 20'	Adequate
Maximum Lot Coverage	85%	72% Zoning Lot
Minimum Building Height	22' measured to building cornice	5 stories/ 65'
Maximum Building Height	5 stories / 68' per zoning;	5 stories/ 65'
Auto Parking	<b>Hotel:</b> 0.75 per bedroom (108); <b>Food and beverage establishment:</b> 15% of capacity of persons (15) (123 Total)	141
Bike Parking	<b>Hotel:</b> 1 per 10 bedrooms (15); <b>Food and beverage establishment:</b> 5% of capacity of persons (5) (19 Total)	19
Loading	2 (10' x 50')	2
Building Forms	Flex Building	Previous approval complies
<b>Other Critical Zoning Items</b>		
Yes:	Urban Design (Urban Design Dist. 8), Barrier Free, Utility Easements, Wellhead Protection (WP 24)	
No:	Floodplain, Landmarks, Waterfront Development, Adjacent to Park	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

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

**Public Utilities and Services:** The site is served by a full range of urban services, including seven-day Metro Transit service along E. Washington Avenue, with stops in the Paterson Street intersection (Stop ID 1565).

## Previous Approval

On September 18, 2017, the Plan Commission approved a demolition permit and conditional uses to demolish commercial buildings at 925 and 939 E. Washington Avenue and 910 E. Main Street, and an existing building addition 905 E. Washington Avenue, to construct a new five-story addition to a five-story building at 901 E. Washington Avenue as part of the conversion of the building into a 144-room hotel. The existing one-story brick warehouse building at 924 E. Main Street at the southeasterly corner of the hotel project site was initially proposed for demolition as part of this request, but was withdrawn by the applicant prior to Plan Commission approval.

## Project Description

The applicant is requesting approval of a demolition permit to raze a one-story, 7,200 square-foot brick building located at 924 E. Main Street. The building is located in the southeasterly corner of an approximately 3.0-acre parcel with frontage along E. Washington Avenue, E. Main Street and S. Paterson Street, which is currently being redeveloped as a 144-room Hotel Indigo primarily located in the historic five-story Kleuter Wholesale Grocery

Warehouse located at 901 E. Washington Avenue. As part of the renovation of the former 56,286 square-foot Kleuter warehouse into a hotel, a five-story, 38,419 square-foot addition is being constructed off of the easterly side wall of the building. A restaurant will be located on the first floor of the addition, with a raised patio providing an outdoor eating area along the northerly wall facing E. Washington Avenue. Entrances to the hotel will be located from this patio, and from a porte cochere to be located at the southeastern corner of the addition. Parking for the hotel will be provided in 138 surface stalls to be located south and east of the L-shaped building. Access to the site will be provided by driveways from each abutting street.

As part of their original demolition permit and conditional use request for the hotel, the applicant and property proposed to demolish the one-story building at 924 E. Main Street. However, based on a series of reasons ranging from community feedback, to the building being leased at the time of the 2017 application, and the previous plans for remediation of the former industrial site, the project team withdrew its request to demolish 924 E. Main.

The applicant now indicates that the building, which was constructed in 1928 as a warehouse, needs to be demolished to allow the remediation of the larger former industrial site to continue. According to the applicant, the soil remediation zone on the larger site extends in proximity to the 924 building such that significant shoring would be required to allow the building to remain. However, the applicant has previously stated that the 924 building is not expected to remain long-term as the rest of the block is redeveloped, and that the investment to shore the building during the current remediation would eventually be lost.

Following demolition of the 924 E. Main Street building, the applicant proposes a modified layout for the hotel parking lot that increases the amount of parking along E. Main Street while moving the surface parking further away from E. Washington Avenue. The revised parking lot will provide 141 stalls, which is a modest increase over the 138 stalls originally approved. The underground stormwater chamber serving the site will also be relocated with the proposed site plan alterations. The applicant indicates that the new location will better accommodate stormwater for the hotel project as well as provide management for the rest of the block when it is redeveloped.

## Analysis & Conclusion

Overall, staff supports the redevelopment of the adjacent Kleuter Wholesale Grocery Warehouse located at 901 E. Washington Avenue into a hotel and continues to believe that the overall project is consistent with the various employment-oriented land use and design recommendations for the subject site in the East Rail Corridor Plan, East Washington Avenue Capitol Gateway Corridor Plan, and Comprehensive Plan. When completed, the hotel will complement other uses and recent redevelopment projects along the E. Washington Avenue corridor.

However, the Planning Division does not generally support the demolition of buildings to facilitate the construction of surface parking, as such demolitions are at least minimally contrary to the spirit and intent of many of the City's adopted plans if not outright contrary to specifically stated goals and objectives. Like Planning staff's position on the buildings approved for demolition with the original hotel redevelopment in 2017, staff continues to be concerned about both the prominence and amount of surface parking proposed to serve the hotel, and does not feel that the parking lot proposed is consistent with either the pattern or character of recent developments elsewhere along E. Washington Avenue and E. Main Street. As proposed, the E. Main Street frontage of the site will be dominated by surface parking following the proposed demolition of the 924 building.

The applicant has previously indicated that the hotel project is the first phase of a larger multi-phase mixed-use redevelopment of the 900-block, which the 2017 letter of intent indicated "could occur in the next [2 to 4] years,"

and that the surface parking lot is temporary until a parking structure is constructed to serve the larger development, which would be located in the center of the block. However, detailed plans for that larger project are not pending before the Plan Commission beyond the relocated stormwater chamber, which the applicant indicates is being sited to facilitate further redevelopment of the rest of the block. While a larger-scale redevelopment of the site and parking lot may be forthcoming, Planning staff and the Plan Commission are required to review the current plans for hotel and parking as though they are permanent in the absence of definitive plans for additional future redevelopment.

However, despite the lack of a broader redevelopment plan for the site that would call for the immediate demolition of the 924 building, staff is also sensitive to the need to efficiently remediate the contaminated soil associated with the paint manufacturing, sales and storage activities that historically occurred on the 3.0-acre project site, for which the applicant has been awarded brownfield remediation assistance. As the applicant notes in the letter of intent, the soil excavation required for the environmental remediation of the site will require “expensive” shoring of the building “to preserve the building temporarily.” The applicant has provided photos of the building, which appear to show a structure in average repair given its age and historic commercial and industrial use, and no information has been provided that suggests that 924 E. Main Street would not meet the criteria for demolition permit approval. As a result, the Planning Division believes that the Plan Commission may find the demolition permit standards met to allow demolition of the 924 E. Main Street building.

The Landmarks Commission informally reviewed the proposed demolition of 924 E. Main Street at its July 9, 2018 meeting and recommended to the Plan Commission that the building has historic value related to the vernacular context of Madison’s built environment as the work of a known architect, but that the building itself is not historically, architecturally, or culturally significant.

## Recommendation

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

The Planning Division recommends that the Plan Commission may find the standards met and **approve** a demolition permit and conditional use alteration to allow the building at 924 E. Main Street to be razed for a revised parking layout for a hotel at 901 E. Washington Avenue, subject to the input at the public hearing and the following conditions from reviewing agencies:

### **Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

#### Planning Division

1. Approval of the revised site and landscaping plans for 901 E. Washington Avenue shall be approved by the Secretary of the Urban Design Commission prior to issuance of demolition permits for 924 E. Main Street.

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

2. The City has limited sewer capacity in this area. The applicant shall connect sanitary lateral to City Manhole SAS 5346-031 or enter into a developer agreement with the City to replace the City sanitary sewer in Paterson Street up to location where the lateral for the hotel will connect to the City sewer. Permit to Excavate in the

Right of Way has been approved for the lateral connection into the manhole. Update plans to reflect this information.

3. All entrances to buildings and underground parking etc. shall have a min entrance elevation of 851.00 or higher.
4. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
5. 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.
6. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged, the owner shall complete a sewer lateral plugging application and pay the applicable permit fees.
7. All stormwater management requirements for 901 E. Washington Avenue (LNDUSE-2017-00078) are still applicable.
8. The applicant shall show stormwater "overflow" paths that will safely route runoff when the storm sewer is at capacity.
9. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% off the proposed development when compared with the existing site.
10. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering 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. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.
11. The zoning approval for this project does not include the approval of 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.
12. 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.
13. The applicant shall construct sidewalk according to a plan approved by the City.

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

14. Archipelago Village Condominium documents show a building "to remain" and is a part of Unit 3 on the Condominium plat where the parking lot is to be constructed. An addendum to the plat shall be provided to acknowledge the proposed removal of the building.

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

15. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; 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.
16. All parking facility design shall conform to the standards in MGO Section 10.08(6).
17. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
18. All pedestrian walkways adjacent parking stalls shall be seven 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.
19. The applicant shall adhere to all vision triangle requirements as set in MGO Section 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.). Alterations 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.

**Zoning Administrator** (Contact Jenny Kirchgatter, 266-4429)

20. Section 28.185(7)(a)5 requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682). Section 28.185(10) requires that every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
21. 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.

22. 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 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Fire Department** (Contact Bill Sullivan, 261-9658)

23. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Division Chief Tracy Burrus of the MFD Training Division to discuss possibilities at (608) 266- 5959 or tburrus@cityofmadison.com.

**Water Utility** (Contact Adam Wiederhoeft, 266-9121)

24. Private wells may have served the parcels associated with this project prior to municipal water service connections. The existing properties will require an internal and external survey for potential un-abandoned private wells prior to proceeding with demolition. Any remaining unused/ unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and MGO Section 13.21 prior to the demolition of the property. Please contact Water Utility staff at (608) 266- 4654 to schedule an on-site private well survey prior to demolition, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.

25. Utility Plan shall be revised to indicate water lateral service diameter and include a valve immediately after the point of connection to the existing water main. Lateral is required to be ductile iron in the right of way

26. Upon completion of required private well inspection, the Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

27. 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/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E. Olin Avenue. 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. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.

**Parks Division** (Contact Kathleen Kane, 261-9671)

28. The contractor shall contact Brad Hofmann of City Forestry (bhofmann@cityofmadison.com or 266-4816) at least one week prior to planting to schedule inspecting the nursery stock and review planting specifications with the landscaper.



29. Existing street trees shall be protected. Please include the following note on the site plan: "Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction." Tree protection specifications can be found in Section 107.13 of City of Madison Standard Specifications for Public Works Construction. Any tree removals that are required for construction after the development plan is approved will require at least a 72-hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.
30. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. The location has been shown, please add size and species.

**Metro Transit** (Contact Tim Sobota, 261-4289)

31. In coordination with public works improvements, the applicant shall expand or replace the concrete passenger boarding pad at the existing Metro bus stop on the south side of E. Washington Avenue, east of S. Paterson Street (#1565). The concrete pad shall occupy the full distance of the terrace, measure a minimum of 20 feet in width parallel to the street, and lie flush between the sidewalk and the top of curb.
32. The applicant shall acquire and install a bench amenity on the concrete pad, with the final design and location to be approved by Metro Transit and the City of Madison. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.