



Department of Planning & Community & Economic Development

## Planning Division

Heather Stouder, Director

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September 28, 2017

Doug Hursh  
Potter Lawson, Inc.  
749 University Row, Suite 300  
Madison, Wisconsin 53705

RE: Approval of a demolition permit and conditional use to demolish three commercial buildings and an existing building addition to construct a new five-story addition to a five-story building as part of the conversion of the building into a 144-room hotel at 901-939 E. Washington Avenue and 910-924 E. Main Street in Urban Design Dist. 8 (LNDUSE-2017-00078; ID 48263).

Dear Mr. Hursh;

At its September 18, 2017 meeting, the Plan Commission found the standards met and **approved** your demolition permit and conditional use for 901-939 E. Washington Avenue and 910-924 E. Main Street. The conditions of approval in the following sections shall be satisfied prior to issuance of demolition or building permits for the project.

**Please contact Brenda Stanley of the City Engineering Division at 261-9127 if you have questions regarding the following twenty (20) items:**

1. The area adjacent to this proposed development has a known flooding risk. The proposed first floor elevation of 852.00 is an approved minimum for this area. The private storm sewer grades and bio-basin grades are just above (845.4) Lake Monona summer max (845.2). This system will need to be revised to include pumping to the public storm sewer. Further, a plan of the ultimate parking lot grades will need to be submitted. The interim grades shown for the parking lot will flood to an approximate depth of 1.25 feet at the low point inlet. Contact Jeff Benedict.
2. 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.
3. All outstanding Madison Metropolitan Sewerage District (MMSD) are due and payable prior to City Engineering 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 working days prior to requesting City Engineering signoff.

4. 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.
5. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 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.
6. The applicant shall demonstrate compliance with Sections 37.07 and 37.08 of 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 5.0 tons per acre per year.
7. 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% (TMDL) off of the proposed development when compared with the existing site. Oil/grease control is required for the proposed parking lot.
8. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files; b) RECARGA files; c) TR-55/HYDROCAD/Etc; d) 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. (Policy and MGO 37.09(2)) Contact Jeff Benedict.
9. 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. Include copies of all stormwater, utility, and detail plan sheets that contain stormwater practices on 8.5x14-inch paper in the draft document. These drawings do not need to be to scale as they are for informational purposes only. Once City Engineering staff have reviewed the draft document and approved it with any required revisions submit a signed and notarized original copy to City Engineering. Include a check for \$30.00 made out to Dane County Register of Deeds for the recording fee. City Engineering will forward the document and fee for recording at the time of issuance of the stormwater management permit. Draft document can be emailed to Tim Troester (west) at [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com), or Jeff Benedict at [jbenedict@cityofmadison.com](mailto:jbenedict@cityofmadison.com) final document and fee should be submitted to City Engineering.
10. This site will require a Storm Water Management Permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. Contact Jeff Benedict.
11. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
12. The property is an open contaminant site with the WDNR (BRRS #03-13-001608). A digital copy of the site investigation report and remedial actions report shall be submitted to Brynn Bemis (267-1986,

bbemis@cityofmadison.com). The applicant shall submit proof of coordination with the WDNR to remediate the site and address residual contaminant concerns associated with the proposed site plan (i.e. vapor mitigation, dewatering).

13. Based on historical documents (BRRTS #03-13-002513, 03-13-001608, 03-13-101143) the property contains residual contaminated soil. If contaminated soil is encountered as part of this redevelopment, all WDNR and DSPS regulations shall be followed for proper handling and disposal.
14. The applicant shall replace all sidewalk and curb and gutter that abuts the property that is damaged by the construction, or any sidewalk and curb and gutter, which 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.
15. The approval of this zoning approval 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.
16. 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
17. The applicant shall enter into a City/ Developer agreement for the improvements required for this development. 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.
18. All work in the public right of way shall be performed by a City-licensed contractor.
19. All damage to the pavement on E. Washington Avenue, S. Paterson Street and E. Main Street adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
20. The Applicant shall Construct Sidewalk to a plan approved by the City.

**Please contact Jeff Quamme of the City Engineering–Mapping Section at 266-4097 if you have any questions regarding the following three (3) items:**

21. The pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel- Owner (APO) data in the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.

22. The site plans of the proposed conditions shall show and denote all of the easements of record that are to remain. Any to be terminated shall be released prior to the proposed Certified Survey Map recording.
23. Submit a PDF of all floor plans to [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) so that a preliminary addressing plan can be developed prior to plans being submitted for permit review. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.

**Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following six (6) items:**

24. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing 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.
25. 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.
26. 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.
27. All parking facility design shall conform to the standards in MGO Section 10.08(6).
28. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
29. 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 – 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.

**Please contact Bill Sullivan of the Madison Fire Department at 261-9658 if you have any questions regarding the following two (2) items:**

30. Provide fire apparatus access as required by IFC 503 2015 edition and MGO Section 34.503.
31. Please consider allowing the Madison Fire Department to conduct training sequences prior to demolition. Contact Captain Jerry Buechner of the MFD Training Division to discuss possibilities at (608) 516- 9195 or [jbuechner@cityofmadison.com](mailto:jbuechner@cityofmadison.com).

**Please contact Tim Sobota of Metro Transit at 261-4289 if you have any questions regarding the following two (2) items:**

32. 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.
33. 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. [See attachment "901ewa\_site\_METRO.pdf"] 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.

**Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at 266-4429 if you have any questions regarding the following eleven (11) items:**

34. Eliminate the parking located within the area between E. Washington Avenue back to a point marking 50% of the total building depth. Per Section 28.084(4)(a), for buildings at corner locations, surface parking shall not be placed between the plane of a side facade of the building and an abutting street, in the area from said street back to a point marking 50% of the total building depth.
35. 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.
36. Show the height of the proposed building on the elevations. The maximum allowed height is 68 feet in TE zoning. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than 15% higher than the maximum height of the zoning district.

37. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 14 short-term bicycle parking stalls for the hotel use plus bicycle parking equal to 5% of capacity of persons for the restaurant and outdoor eating area. Bicycle parking shall be located in a convenient and visible area on a paved or impervious surface at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5)-foot wide access area. Provide a detail of the proposed bike rack.
38. Show the dimensions of the proposed loading zones on the site layout plan. Required loading facilities shall comply with MGO Section 28.141(13). Provide two 10' x 50' loading areas with 14 feet of vertical clearance to be shown on the plan. The loading areas shall be exclusive of drive aisle and maneuvering space.
39. Provide landscaping within the interior parking lot landscape islands. Per Sections 28.142(3)(c) and 28.142(4)(e), planting beds or planted areas must contain at least 75% vegetative cover mulched. Mulch shall consist of shredded bark, chipped wood or other organic material installed at a minimum depth of two (2) inches. The primary plant materials of the interior landscape islands shall be shade trees with at least one (1) deciduous canopy tree for every one hundred sixty (160) square feet of required landscaped area. Two (2) ornamental deciduous trees may be substituted for one (1) canopy tree, but ornamental trees shall constitute no more than twenty-five percent (25%) of the required trees.
40. Submit details of the proposed outdoor eating area including the layout of the tables and chairs.
41. The capacity shall be established for the outdoor eating area. Occupancy is established by the Building Inspection Division. Contact Building Inspection staff at (608) 266-4559 to help facilitate this process.
42. Label the proposed building floor plans and roof plan.
43. 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.
44. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of MGO 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.

**Please contact Janet Schmidt of the Parks Division at 261-9688 if you have any questions regarding the following three (3) items:**

45. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Please submit an existing inventory of trees (location, species, and DBH) and a tree removal plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. 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.

46. Additional street trees are needed for this project. All street tree planting locations and tree species within the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Tree planting specifications can be found in Section 209 of City of Madison Standard Specifications for Public Works Construction.
47. 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. 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.

**Please contact my office at 261-9632 if you have any questions regarding the following two (2) items:**

48. That the applicant explore a more comprehensive and aesthetic solution to stormwater management for the project than the pond shown on the plans, which ideally would feature a design that did not require a protective fence.
49. That the project receive final approval from the Urban Design Commission prior to final sign-off and issuance of permits. Any appeal of the Urban Design Commission decision may be made to the Plan Commission, as allowed under MGO Section 33.24.

**Specific questions regarding the comments or conditions contained in this letter should be directed to the commenting agency.**

**This letter does not include conditions for the one-lot Certified Survey Map of this property. Those comments will be sent separately.**

**Please now follow the procedures listed below for obtaining permits for your project:**

1. After the plans have been revised per the above conditions, please file **nine (9) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room LL-100, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. **This submittal shall all also include one (1) complete digital plan set in PDF format.** The sets of final revised plans or documents will be circulated by Zoning staff to the City department staff listed above for their final approval.

2. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval. [Signature block on last page]
  
3. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the conditional use standards. This approval shall become null and void one (1) year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within 6 months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to 24 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks  
 Planner

cc: Brenda Stanley, City Engineering Division  
 Jeff Quamme, City Engineering Division  
 Jenny Kirchgatter, Asst. Zoning Administrator  
 Tim Sobota, Metro Transit  
 Janet Schmidt, Parks Division  
 Bill Sullivan, Madison Fire Department

I hereby acknowledge that I understand and will comply with the above conditions of approval for this project.

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Signature of Property Owner  
 (If Not Applicant)*

<b>LNDUSE-2017-00078</b>			
<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input type="checkbox"/>	Landmarks Commission
<input checked="" type="checkbox"/>	Traffic Engineering (EP)	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Metro Transit
<input type="checkbox"/>	Water Utility (EP)	<input type="checkbox"/>	Other: