



Department of Planning & Community & Economic Development

## Planning Division

Katherine Cornwell, Director

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February 27, 2015

Josh Wilcox  
Gary Brink and Associates  
7780 Elmwood Avenue, Suite 204  
Middleton, WI 53562

RE: Approval of a zoning map amendment, demolition permits, and a conditional use to demolish two buildings for the purpose of constructing a 10-story, 164 room hotel at **202 East Washington Avenue and 15 North Webster Street**

Dear Mr. Wilcox:

At their February 24, 2015 meeting, the Common Council approved your client's zoning map amendment request to rezone 202 East Washington Avenue and 15 North Webster Street to the PD-GDP-SIP (Planned Development-General Development Plan and Specific Implementation Plan District) to allow for the development of a 10-story, 164-room hotel. The aforementioned properties were zoned DC (Downtown Core) and DR-1 (Downtown Residential-1), respectively. At their February 9, 2015 meeting, the Plan Commission approved your client's requested demolition permits and conditional use request to have designated roof-top building elements project above the Capitol View Preservation area. These approvals are subject to the below conditions of approval that shall be satisfied prior to final approval and sign-off of the plans, recording of the Planned Development, and the issuance of permits.

**Please contact Janet Schmidt, City Engineering Division, at 261-9688 if you have questions regarding the following twenty-four (24) items:**

1. Primary access, including lobby and drop off entrance, is from N Webster St. The address of the hotel is 1 N Webster St.
2. The proposed new building will cross an underlying platted lot line. Current fire code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Department. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
3. The Joint Driveway Easement over the northerly side of this parcel will need to be modified or released and a new agreement drafted and recorded to address the proposed common sidewalk between this property and the property to the north shown on the site plan.

4. Encroachments in the public right of way for overhangs, canopies, footings or other private improvements within the public right of way shall be clearly shown on the plans will require a privilege in streets administered through the Office of Real Estate Services..
5. The Applicant shall dedicate a 1 foot wide permanent limited easement for sidewalk purposes and construct a widened sidewalk along Webster Street similar to that of the property at 27 N. Webster Street.
6. The construction of this building 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. (MGO 16.23(9)c)
7. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
8. Submit a PDF of all floor plans to [izenchenko@cityofmadison.com](mailto:izenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. 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.
9. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (POLICY)
10. The approval of this Conditional Use or PUD 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. (MGO 16.23(9)(d)(6))
11. 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. (POLICY)
12. The applicant shall replace all sidewalk and curb and gutter which abuts the property which 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. (POLICY)

13. The applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments. (INFORMATIONAL)
14. The applicant shall provide the City Engineer with the proposed earth retention system to accommodate the restoration. The earth retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system. (POLICY)
15. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
16. All damage to the pavement on E. Washington Avenue and N. Webster Street, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link:  
<http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)
17. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in the ROCK RIVER TMDL ZONE and by Resolution 14-00043 passed by the City of Madison Common Council on 1/21/2014. You will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR.
18. 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.
19. For commercial sites < 1 acre in disturbance the City of Madison is an approved agent of the Department of Commerce and WDNR. As this project is on a site with disturbance area less than one (1) acres, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required. (NOTIFICATION)
20. This project will require a concrete management plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. (POLICY)
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 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.
22. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) Street names, f) Stormwater Management Facilities, and g) detail drawings associated with stormwater management facilities (including if applicable planting plans).

23. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. MGO 37.05(7) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
24. 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. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO CH 35.02(14))

**Please contact Eric Halvorson, Traffic Engineering Division, at 266-6572 if you have questions regarding the following eleven (11) items.**

25. Document EC.05 was submitted after staff comments were due. The applicant will need to submit additional documentation showing turning movements prior to final sign off and shall show all obstructions consistent with the plans originally submitted.
26. Items in the Right-of-Way are not approvable through the site plan approval process and subject to change based on public need. Approval of the submitted plans does not grant approval of the items shown in the public right of way or approval of uses of the public right of way such as the loading zone.
27. If the applicant does not provide a proper number of valet attendants, vehicles are likely to double park in the bike lane and travel lane. Double parking will impact the safety and operation of the street. As a condition of approval the applicant shall provide a parking operation plan to be approved by the City Traffic Engineering Division. The parking operation plan shall include the following:
  - a) The parking operation plan shall provide for enough valets during all times of operation to insure queuing within through travel lanes does not occur. If queuing within travel lanes is observed, applicant shall revise parking operations plan to be approved by the City Traffic Engineer and add additional staff and or off-site parking to allow proper functionality of the Right of Way. Modifications to this plan not directed by the City Traffic Engineer shall be considered as an alteration to the conditional use. The applicant at a minimum shall provide valet attendants to the levels shown in the proposed Valet/guest Parking Operating Plan.
  - b) Applicant plans to lease space from public ramps. Agreements and rates shown in the submitted plan have not been put in place at this time. These shared parking leases shall be in place and included in the parking operations plan prior to final sign off. At such time the leases for the parking ramps change in either number of spaces or location, applicant shall revise their parking operations plan and have it approved by the City Traffic Engineering Division. This shall include redoing any necessary parking studies as determined by the City Traffic Engineering Division. All studies and revisions to the parking operations plan shall be conducted prior to expiration of the leases spelled out in the traffic operations plan.
28. The applicant, prior to final sign off, shall provide a delivery operation plan. The plan shall prohibit deliveries between the hours of 7 A.M. to 9 A.M. and 3 P.M. to 6 P.M. The applicant shall refuse deliveries from any vendor that arrives during those hours.

29. The applicant prior to final sign off shall provide a bus operations plan to accommodate group tours and shuttles that may come to the hotel from various group gatherings. The plan shall address how to keep the guest pickup and drop off operational
30. The applicant prior to final sign off shall provide trash removal plan. The plan shall prohibit trash removal between the hours of 7 A.M. to 9 A.M. and 3 P.M. to 6 P.M.
31. Ramp grad exceeds recommended maximums for public parking and as such shall only be used for valet or private parking.
32. Underground parking is not dimensioned and therefore not reviewable at this time. Applicant shall expect major redesign of the building structure may be necessary when plans are submitted for final review. Currently the elevator and stairs appear to be in the drive/backup aisle and need to be relocated for plan to be approvable.
33. This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, covered sidewalks will be constructed and maintained as soon as possible and little to no access to the Public Right Away will be granted for construction purposes. Applicant shall expect that construction methods above and beyond normal construction will be necessary to build on this site.
34. The development as proposed will increase pedestrian congestion. The applicant shall provide a permanent 1 foot sidewalk easement for the length of the property along Webster Street to mitigate the impacts to the public right of way.
35. The applicant is required to compensate the Parking Utility \$39,550 per space for any metered parking spaces permanently removed for the proposed loading zone on North Webster Street for this project. This is to replace the lost meter revenue stream for these metered spaces. The proposed loading zone is not for the exclusive use of the proposed hotel, as it is in the public right of way, and there shall be no signing in the public right of way that would suggest it is for the exclusive use of the proposed hotel.

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

36. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
37. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Lt Scott Bavery (608) 576-0600.

**Please contact Matt Tucker, Zoning Administrator at 266-4569 if you have questions regarding the following ten (10) items.**

38. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 of the Madison General Ordinances or as approved by the Urban Design Commission. Permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

39. Sec. 28.185 (7)(a)5. requires approval of a reuse and recycling plan by the Recycling Coordinator, Mr. George Dreckmann (608-267-2626), prior to the issuance of the demolition permit.
40. Sec. 28.185 (10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
41. Section 28.185(9) (a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
42. Work with Planning and Zoning staff to revise zoning text. The final zoning text shall be approved by Planning and Zoning staff prior to recording of this PD. The zoning text shall be revised to include the following:
43. The list of conditional uses for the development include:
  - A 164-room Hotel
  - Outdoor eating and recreation area at the 9th level, as shown on the approved plans
44. Provide a minimum of 16 bicycle parking spaces as required per sec. 28.141(3) and 28.141(11). Provide a detail of the bike rack design.
45. The proposed outdoor seating area shall be reviewed and approved by Mr. Warren Hanson, Street Vending Coordinator (261-9171).
46. The projects includes an elevator penthouse and mechanical equipment/screening that projects into the Capitol View Preservation area. Final plans shall represent the minimum projection necessary for both the elevator penthouse and mechanical equipment and screening, to be approved by staff.
47. In regard to the required provision of open space for Planned Developments, 28.098(4)(e.), the applicant has not provided details of the 20% open space requirement, and therefore requests a waiver of said requirement.

**Please contact Kay Rutledge, Madison Parks Division, at 266-4714 if you have questions regarding the following three (3) items:**

48. 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, & DBH) and a tree removal plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@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.
49. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl – [dkahl@cityofmadison.com](mailto:dkahl@cityofmadison.com) or 266-4816. Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2013/Part2.pdf>.

50. This development is within the Tenney, Law & James Madison park impact fee district (SI26). Please reference ID# 14143 when contacting Parks about this project.

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

51. Metro Transit operates daily transit service along East Washington Avenue through (or to) the North Webster Street intersection. Trips are normally scheduled to operate through the intersection and serve bus stop ID #1618 west of the North Webster intersection – but when the Capitol Square is closed to traffic due to events, buses need to stop on East Washington just before the North Webster intersection – before then turning right onto North Webster Street. The most recent site plan reflects the applicant agreeing to establish the sidewalk cafe fencing at a distance of no less than five feet off the face of curb – which will provide sufficient clearance for bus passengers to safely exit from buses that need to serve this stop location.
52. Metro Transit operates daily transit service along East Washington Avenue through (or to) the North Webster Street intersection. Trips are normally scheduled to operate through the intersection and serve bus stop ID #1618 west of the North Webster intersection – but when the Capitol Square is closed to traffic due to events, buses need to stop on East Washington just before the North Webster intersection – before then turning right onto North Webster Street.

**Please contact my office at 267-1150 if you have questions regarding the following nine (9) items. Please note that items 58 and 59 were additional conditions approved by the Common Council upon recommendation of the Plan Commission at their February 9, 2015 meeting.**

53. That the zoning text be revised to identify “hotel” as a conditional use. The purpose of this condition is to provide continuing jurisdiction, especially as it relates to possible traffic impacts. The final zoning text shall be approved by the Planning Division and Zoning Administrator.
54. That final plans submitted for sign-off shall include consistent detailing, including details in the right-of-way. All exhibits shall be printed to scale and approved by staff.
55. This approval only includes the encroachments into the Capitol Height View as approved by the Plan Commission. New encroachments not accurately depicted will require approval a conditional use alteration.
56. That the Zoning text shall be revised to include provide additional information on parking and loading. Details shall be consistent with the approval conditions with the specific text to be approved by Traffic Engineering Division, Planning Division, and the Zoning Administrator.
57. That the Zoning text shall be revised to note that height shall be as shown on approved plans and shall comply with the Capitol View Preservation standards of Section 28.134(3). The final zoning text shall be approved by the Planning Division and Zoning Administrator.
58. That the planters adjacent to the building between the building and existing sidewalk be removed to limit pedestrian obstructions.

59. Building encroachments into the right away at the ninth floor are stated by the applicant to be a drafting error. This encroachment should be removed in corrected plans submitted for final sign-off.
60. That additional street-level bike parking be provided on-site beneath the canopy.
61. That prior to issuance of demolition or building permits, proof of financing for the proposal shall be provided for review and approval by the Director of Planning and Community and Economic Development.

**The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of building permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.**

**No interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.**

**Please now follow the procedures described below:**

After the planned development has been revised per the above conditions, please submit 10 copies of a complete, fully dimensioned and scaled plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off. The final site plan shall be accompanied by 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. The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded. Within thirty-six (36) months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.181(5) determines that no changes in the surrounding area or neighborhood since approval of the general development plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the general development plan by the Common Council. If a new building permit is required pursuant to sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain general development plan approval and specific implementation plan approval.



1. The Madison Water Utility shall be notified to remove the water meters prior to demolition. This property is not in a wellhead protection district. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and will not need a copy of the approved plans.
2. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right-of-way. Permission for such activities must be obtained from the City Forester, 266-4816.
3. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting conditional use approval.
4. A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of a wrecking permit. The reuse and recycling plan shall be submitted along with the resubmittal of site plans for forwarding to the Recycling Coordinator.
5. The approval is valid for one (1) year from the date of the Plan Commission approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced as is being diligently prosecuted.
6. Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations. The Zoning Administrator may issue permits for 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 City Plan Commission and the conditional use approval standards.
7. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses.

If you have any questions regarding recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 267-1150.

Sincerely,

Kevin Firchow, AICP  
Planner

cc: Janet Schmidt, City Engineering Division  
Matt Tucker, Zoning  
Kay Rutledge, Parks Division  
Bill Sullivan, Madison Fire Department

<p>I hereby acknowledge that I understand and will comply with the above conditions of approval for the demolition permit and conditional use.</p>  <p>_____</p> <p><i>Signature of Applicant</i></p>  <p>_____</p> <p><i>Signature of Property Owner (if not the applicant)</i></p>
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<b>For Official Use Only, Re: Final Plan Routing</b>			
<input checked="" type="checkbox"/>	Planning Div. (Firchow)	<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 checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input checked="" type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: METRO