

PLAN COMMISSION TRANSCRIPTION

May 5, 2008

Legistar #10179

1501 Monroe Street

Time stamp: 3:24:29

Chair: The next item on our agenda is Number 16, this is Legistar 10179, consideration of a demolition permit to allow the demolition of two commercial buildings and construction of a four-story, 48-room hotel at 1501 Monroe Street in the 13th Aldermanic District. I'll open the public hearing...

Ald. Kerr...

Chair: OK, Ald. Kerr is recusing herself. We'll begin with John Stockham, 424 Virginia Terrace, followed by Bob Sieger.

Stockham: Well, hello Commissioners. Um, I'm John Stockham, I'm the consulting urban planner on this project. We have with us tonight on the applicant team Bob and Debbie Sieger, property owners, Bob is the architect on the project, Dean Grosskopf who is with Professional Hospitality, his firm would be the manager of the project, John Lichtenheld with Schreiber Anderson who is a traffic engineer and Ron Trachtenberg, who is the attorney. Um, the project you've seen in various forms over the past several years. I believe this is the 5th major reiteration, some of the minor reiterations between them. Last time this project was before you was in December and it was denied and, I understand the basis of denial was to ask the applicant to go back and work with the neighborhood association, the immediate neighbors, and to work harder to be in conformance with the Monroe Street Commercial District Plan and we've done that. I'd like to talk a little bit about the work we've done with the neighborhood association. The Vilas and the Dudgeon Monroe. We're right on the border between two neighborhood associations, four aldermanic districts, we've got a real focal point. And uh, the Vilas and Dudgeon Monroe Neighborhood Association formed a joint committee representing the zoning committees and the long range planning committees of each of those associations. Uh, we've met with them a couple of times. I've met with the Monroe Street Business Association. We've had a series of open houses in a number of different forms. The Siegers had the project on display and the basically the _____ room on the project open for about a 60 day period every morning, every weekday morning, and we've had a couple of open houses most recently on April 17th. Um, I think we've made a real good faith effort to work with the neighbors. We've made a number of changes in response to what the neighbors said. In terms of design changes, uh we have reduced the hotel from five stories to four stories. It is consistent with the recommendations of the Monroe Street Commercial Plan. We've shifted the front setback so essentially the front of the building is a zero setback. We've eliminated completely rooftop access which was a big concern of the neighbors. I think more importantly, ah more important than the design changes are some of the operational conditions we've proposed. We've heard loud and clear, that the neighborhood is very concerned, I live in the neighborhood, so understandably concerned, about ah football day events, noise, rowdiness...

TIME

Chair: Go ahead.

Stockham: What we've done is proposed a series of operational restrictions. This was done at the request of the neighborhood association, Ron Trachtenberg put those in the form of a restriction that would basically require the operation of the facility to be exactly as we've described it. These are some pretty tough operational requirements: no outdoor music, no loud speaker, no, ah excuse me, no public access during football events to the premises, that would include any of the outdoor premises, the rear parking lot, they would be accessible to hotel guests and that would be it. There was some concern and again a legitimate concern that this would be a hang out, that it would be a source of noise in the neighborhood, um certainly you know football day events are important events, but we do understand the need for those restrictions. They've been submitted to the Plan Commissioners and we hope that with the combination of the design modifications and the operational conditions restrictions that we've proposed that we now have a project that is approvable in your eyes.

Chair: Questions for Mr. Stockham?

Stockham: If I could ask a favor, we were going to have John Lichtenheld kind of transition right into some traffic issues because I know that's the other major concern. Is that...?

Chair: Ah we normally alternate some of the opposition so we were gonna let Mr. Sieger offer his minutes and then go to Thomas Yen.

Stockham: Inaudible.

Chair: I see, your minutes, alright. Fine then, then Mr. Sieger is here and available to answer questions. Then let's go to Thomas Yen, 5627 Longford Terrace, Fitchburg, representing the Madison Chinese Church, and then we'll have Mr. Lichtenheld.

Yen: The church is the adjacent property right across the alley with the parking lot right up against the alley. Um, we are still in opposition to the project, um for the main reason that it is still unclear to us and has not been explained to our satisfaction how the traffic flow coming in and out of the alleyway will affect how our church members will be able to enter and exit our church parking lot. Um especially on the weekends when we have most of our activities where there's not a good map of where the roundabout is, but essentially if you think of this alley um, our concern from the beginning has been how long it will take to enter into the alley and come out of the alley. OK, that's not gonna change, traffic department says that's just increase in traffic flow. But, what about how it's gonna effect, I don't think not only the church, but if I was a person staying at the hotel and I had trouble entering the property or exiting the property I'm not sure if that's gonna be a good place to stay. But now our concern is that if you have an area in which there's gonna be stacking of cars to enter and exit the property, that's not only gonna slow down the traffic on Regent Street as they wait behind cars trying to turn into the alleyway, also you're gonna create a traffic jam in the alley leaving our parking lot. Um there's enough space, I don't have a good map to show you, but essentially there's enough length in the alley to

have five cars stacked up. When that occurs that essentially blocks two aisles of the church parking lot of the three which allows cars to go in and come out. So if a car entering the alley trying to enter the church parking lot and there's those two alleys blocked, um and the last aisle is full, the car is just gonna wait there until the stack of cars exits and that's gonna create a backlog coming off of Regent Street. I just don't see how that can be eliminated and the roundabout itself will create a natural flow of traffic off of the hotel property back onto the alleyway and what I think is gonna happen is when a vehicle pulls off behind waiting to queue to exit the alley, they're essentially gonna be blocking the alleyway and there's no way for a vehicle in the um, in the right lane to make it across the alley into the church parking lot. Um, and we ask that if they have a, if hotel management, if they had a good understanding of what they feel would be the sort of the traffic flow over the course of a week.

TIME

Chair: Need another minute?

Yen: Um, I'll finish up. Um, and they were unable to give us a good idea, because for our planning purposes we don't want to have to tell our members for a 7:00 meeting to come at 6:00 because it's going to take you an hour to get your car into the parking lot that will seriously affect how we have our activities at our church. Thank you.

Chair: Questions for Mr. Yen? Thank you. Next speaker is John Lichtenheld, 717 John Nolen Drive, to be followed by James, no Bill Chiu.

Lichtenheld: Good evening, I'm John Lichtenheld. We did take a look at some of the traffic issues with this development, because certainly as um, redevelopment in any existing neighborhood, there's always traffic issues, and I'm just gonna briefly go through three issues. First one I want to cover is the existing traffic volume historically in this neighborhood, and the chart that you see here to my right with the yellow and purple shows the historic traffic volumes over the last 16-20 years on both Monroe Street and Regent Street, starting from my left going to my right. And as you can see, the traffic volumes over the 20 years have been fairly stable. Ah, Regent Street we have traffic volumes of about ah, 15 or excuse me 21-22,000 and on Monroe Street it's about 15-16. Actually when you go back in history, 1990 traffic volumes were a little bit higher than they are today. But suffice it to say they've been fairly consistent. Secondly, we looked at what during the peak hours, what the trip generation rates would be. Compared to trip generations for what the existing zoning would allow, if that development were developed, remodeled and developed under the existing zoning versus what it's gonna generate with the hotel, and there's a considerable difference and a considerable reduction. What's in blue is what the existing zoning would allow as far as trip generation. Roughly in the a.m. to p.m. hours it's about 90 trips, on Saturday it's about 150. During the peak times which is usually 7-8 in the p.m. it's usually somewhere around 4-5 and Saturdays it's somewhere around the noon hour, someplace between 12-2. Compare that with what's being proposed with the hotel, where we have 35 which is less than 1/2 what the existing zoning would be, and of course on Saturday it's about five times, about 1/5 of what it would be. The ah, so we have a proposed trip generation that's going to be considerably less than what it could be today and what it actually has been in the past. Thirdly, we do know there's some concerns. We did look at the operation analysis of the

intersection of Monroe and Regent and we are going to put some restrictions on some of the movements for people coming into and leaving the hotel. One of the concerns is these are generally people who are not familiar with the area and while they'll ask the hotel for directions we want to make it as simple as possible. So we're going to have three restrictions. One is that during the peak hours at the stop sign that comes out the existing driveway, this is not a new driveway to the hotel that's an existing driveway but it's also going to be widened to 24-feet which would be a standard width. We're going to restrict during the peak hour, the a.m. and p.m. peak hour... TIME...one more minute?

Chair: One more minute.

Lichtenheld: We're going to restrict people being able to turn left. In other words there will be no left turn out of that driveway. Secondly, the people that are actually coming out of the parking area and the drop-off area at the front of the hotel, there'll be no right turn out of that for coming into the alley or discouraging movement down into the alley and into the neighborhood. And the third thing we're going to do is at the entryway to the alley at the property line we're going to not allow, it says "no entry," local residents only. So with those three elements we think it'll really improve the traffic circulation. As far as the issues that were brought up with the church, keep in mind that the church only has 20 parking lots, or 20 parking spaces. We're going to generate as you see about 35 trips during the peak hours, 17 in and 17 out, the peak hours for this development do not coincide with the peak hours for the church. Peak hours for the church are going to be on Sunday, there's going to be in the evening when both the hotel peak hour and the peak hour of the local traffic that's both on Regent and Monroe is going to be minimal. TIME.

Chair: Questions for Mr. Lichtenheld? Ald. Cnare.

Cnare: I'm not familiar with how you generate the data for a hotel. How did those numbers of 35, 34 and 44 get derived?

Lichtenheld: What we do is actually national um, there's been studies done of hotels, all different land uses around the country and what they do is they look at those hotels and then they average. So it does depend on the type of hotel, whether it's uh, an all suite hotel, a business hotel or that type of thing but these are pretty well standard projections and we found historically as comparing them with these studies that they're fairly close.

Cnare: OK, thank you very much.

Chair: And, Ms. Olson?

Olson: I wonder if you could go through those internal restrictions one more time, it was kind of fast and if you could direct your response to the issue of ah the church next door and their concerns.

Lichtenheld: Sure. The ah, probably can't see this, this is the building, Monroe Street, Regent Street, the existing driveway which as I mentioned is going to be widened. This is the church, this is the parking for the church, the parking for the hotel is actually underneath the structure. So

people will come in, they'll be able to drop-off and proceed to the parking or go around this turn around, that is a turn around and go back out. So they have those two options, if somebody comes by taxi they could do that. As far as the restrictions we have a stop sign on Regent Street for exiting traffic. There will also be signage as a part of that that will restrict turning movements during peak hours, no left turn during 7-8 a.m. and 4-5 p.m. Typically as you see on city streets. There'll be another sign for those then coming out of the parking area either as a drop-off or if they self park, at this location which will restrict right turns down this way and into the alley, and then finally down in this area we'll have another sign that will say no entry into that alley except for local residents. The concern the church is stating is that for their people coming out which will use the same drive as they do now, and those entering, their concerned with them, the stacking coinciding or combining with the stacking of people waiting here to get out from the hotel creating a problem. And I guess we would maintain that when they have their events, which I'm assuming is during the evening or on Sunday, it's an off-peak hour for the hotel, so we don't see those combining, they're probably going to be more complementary. And that's not to say that on occasion that may happen, people have to wait, just like they do with other events when you have people coming out of, discharging in a short period of time. Does that answer your question?

Chair: And next is Mr. Basford.

Basford: Thank you. Um, a few questions right here. Um, so um, let's see, I take it when somebody drives into the drive court they're either going into the parking or they're probably standing for a little while to drop off and check in. Uh, as you know you know in front doors at hotels the traffic area right around that you can have car build ups with people standing, uh cars standing that is. Um, how many automobiles do you think that the drive court or the side of the drive court could withstand for cars lining up or taxis or whatever?

Lichtenheld: I'm going to ask the architect to tell me the number.

Sieger: The number is ... we've allowed extra space aside of the circulation into the parking queuing, ah there's space along this edge for queuing and there's also a direct ramp that can take people immediately underground as part of a valet operation to clear the front entrance area. So with the size of this and the areas for ah additional cars if they would like to queue and stop I would say at least 4-5 without blocking any movement into the rear parking or into the alley.

Lichtenheld: Or into the alley itself.

Sieger: There's also a 35-foot loading zone. (Inaudible).

Basford: And ah what is the distance between the drive court and the and ah Regent Street, the entrance? The entrance to the alley?

Lichtenheld: This distance?

Basford: No the distance between the entrance to the drive court and the alley entrance, yeah, from there to the drive court.

Sieger: We added ah, the current alley is 12-foot wide. With the building by the way immediately on that 12-foot. So of course the building is now pulled back almost 35-feet and we have added to the alley an additional 12-feet which makes this entrance almost 50-feet for the proper queuing, so this distance is in the neighborhood of 40-feet.

Basford: Ok. And it's your contention that there wouldn't be any conflict with the neighboring church, even like say on a Sunday morning when the church would be in session and probably a usual time for check out for people who are staying at the hotel like say, during a Sunday morning in September and um, and ah that there wouldn't be, there wouldn't be much of a hassle there. Is that your contention?

Lichtenheld: What I'm saying is that there may on occasion be some queuing that occurs there, but again I think that, I don't think it's going to be a safety issue because at the times that those occur, we don't really have a lot of traffic either on Monroe Street or on Regent Street, so both for egress, ingress and egress I think, the concern was particularly for ingress coming into the development as well, with queuing here, but you're not going to have a lot of traffic at that intersection at those times of the day, and then yeah, there may be immediately when the church gets out, I mean inherent within the church getting out if 20 people which is all this can hold try and queue out, forget about the hotel, yeah there may be some queuing there where they have to sit in the parking lot and wait for it to clear. But I don't see it as something that happens an inordinate amount of times nor would I see it as a safety problem.

Chair: Any other questions for Mr. Lichtenheld? Thank you. Next speaker is Bill Chiu, 9301 Lawnbrook Drive, Verona, representing the Madison Chinese Christian Church, to be followed by Ron Trachtenberg.

Chiu: Yeah, my name is Bill Chiu, I represent the Madison Chinese Church, and our position is that we still ah, oppose the project, but let me say something at the beginning, we don't want to be perceived as overly antagonistic to this project, but in spite of these several rounds of improvements we still have some apprehensions about the outcome of this project. Let me, ah ah ah make one point, and that is no justice can be done tonight by this abstract description of the type of flow and potential negativity in the region. This really doesn't do justice, you really have to work that neighborhood like I've done in the past 20 years to actually feel the potential negativity that this project perhaps will bring. So a couple of points I want to bring out and that is regarding ah the ah non overlapping of peak activity hours with our church and this project, ah in fact there is a fairly significant overlap with the weekends, starting with weekends by Friday, around 6:00 in the evening. We have multiple meetings that linger until around 10:30 at night. Saturday morning by noon we have activities planned and the activities will linger into the evening. Saturday around 4:00, lingered til around 11:00, multiple activities. And Sunday we have two worships starting around 9:30, Sunday school, English worship, followed by the Chinese worship, you're probably talking Sunday morning starting around 9:00 in the morning with activities going all the way until 3:00. And so with all that said, and the point brought up by the _____ that we only have 20 stalls in the parking lot, ah that's true that's 20 stalls but once we want to pack people in our church...just to pack as many vehicles, we have people directing and do the automobile packing, OK, when activities call for that. So we

have, one point is the following. Look at the global traffic flow data really doesn't do justice to the potential negative impact at the microscopic level. OK, and I could say that because I've been I've worked there for 20 years. TIME. So, the point I want to make is sometimes this is tragic negativity, OK, brought on by one or two instances can take on a life of their own, OK and this type of negativity that can be amplified cannot be captured by this type of arm chair abstract modeling of traffic flow data. So it is with these trepidations and apprehensions that our church is in opposition to this project. Thank you.

Chair: There's a question for you. Excuse me. Ald. Cnare has a question. You'll need the microphone Mr. Chiu. Thank you.

Cnare: One of the things we're trying to do is to compare all of these entities working together, and the hotel, granted these are estimates, but has provided trip generation data. Do you have a similar thing that talks about your church's trip generations so that we could kind of compare the two and see where the intersections might occur?

Chiu: You see, the problem is the traffic data generated by their study, ah, do not include key traffic generations coming from our church starting Friday evening, Saturday and Sunday.

Cnare: Right, so do you have those?

Chiu: We don't have them, but I can tell you is, unless I'm lying, after working that area for the last 20 years and having been put in a position of directing traffic, to make things work during these meetings, I can tell you that we still have a lot of reservations about whether this thing would work. The other thing I'd like to mention is that our church is trying to expand but the problem is that people who come to our church they circle the neighborhood, couldn't find parking and they leave. OK, so if this building, this project is erected, we are concerned that that would put negativity as far as the growth is concerned because that would be a negativity. The other point I want to make is any restrictions placed on direction of the traffic flow in the roundabout, ah would at the same time put negativity in the church operation. So this is a mutual thing. Yes, they'd like to impose restrictions, you can't turn there at a certain time, you can't turn right left at a certain time, those restrictions _____ negatively impact our operation. So it's a mutual thing, we're interconnected.

Cnare: Thank you.

Chair: Any other questions for Mr. Chiu? Thank you sir. Next speaker is Ron Trachtenberg, representing Robert and Debbie Sieger, to be followed by Michael Christopher.

Trachtenberg: Thank you. I'd like to address two issues, the first issue is the traffic conflict, or the alleged conflict with the church. Ah as you know Mr. Sieger and the church litigation of Mr. Sieger's lease rights with respect to church parking lot. Just so you understand the depth of the church's concern, I was told that if Mr. Sieger now gave up his rights to the parking on the church, the church would drop its opposition to this demolition permit and the hotel. My reply was if the hotel gets approved, we would give up the parking and the answer was no, we want you to give up the parking now for us to give up our opposition. So when I ask, when you weigh

the traffic concerns that you have, understand that we're in litigation and understand the pressure that is being tried to be applied by this process with respect to that litigation. I just simply wanted to ask you to mind that. The main reason I came up and I wasn't planning on talking on that issue, is the issue of the deed restriction I've prepared, and maybe there's some work that needs to be done on it. I was told there was a concern, not an invalid concern that if the demolition permit would be granted that Bob wouldn't go through with this project, that he'd put up something else. So the question is how do you prevent this something else? Well we had a similar type issue with respect to the Wisconsin Community Bank project on Mineral Point Road, and we wanted to take that down because the bar and grill in the old house were simply a hazard. But if I had just taken those down, then the question is how would we have controlled what would have gone on the premises? And so what we did is we used this exact same restriction, which maybe wasn't as artfully drafted back then, but we used the same restriction, but we used the same restriction to say any new use would have to go through the demolition standards, it acts as, we didn't do that because we went through the PUD process, so the changes I made from what I did in the Wisconsin Community Bank project was I included a "permitted" use, that's exactly this project, so if we build it, if you approve this demolition permit with this project, we can go ahead and build this project without coming back here. If we do anything else we have to go through a new hearing, applying the demolition permit standards, or a rezoning. Now the issue has come up because I use the word conditional use in the agreement, am I talking about the demolition permits, am I talking about the conditional use permits, for any project other than the project you have before you or rezoning a PUD. It doesn't matter to me. And I think what staff's going to look at with some direction from you ah, if we revise what I proposed, either are we talking about the demolition standards other than this one, are we talking about the conditional use standards other than this one, and the rezoning. And so what I'm asking you tonight is to approve this project subject to you advising staff as to which standard you want and then staff (TIME) and I can go ahead and we'll knock out the language to reflect whether you wanted demolition standard for any other project, whether you wanted conditional use for any other project, and of course the wild card of going through the whole thing in the sense of a PUD, which you know is the most control you would have. So I would be glad to answer any questions you may have, and I hope I didn't thoroughly confuse everybody.

Chair: Ald. Cnare?

Cnare: I'm just going to be confused down the line. Um, given the fact that there is some paperwork that needs to be figured out here, you just referred to it, would it make more sense to refer this and get that done and then bring it back as a...

Trachtenberg: No, no that paperwork is purely administrative, between me and the City Attorney's Office with ah, you know Mr. Murphy's input. All we need to know is if this project is approved this is what we built. If for some reason this doesn't come to fruition, for the next project coming in, do you want to apply the demolition standards for review or do you want to apply the conditional use standards for review. Just simply tell _____ which ones you want and it'll be redrafted clearly to reflect those standards.

Cnare: OK. Thank you.

Chair: Mr. Heifetz?

Heifetz: I am thoroughly confused. There are a number of significant issues with this project to start with, and what you just concluded your comments with further complicated them, so, I may be naïve here but if you're here with this project why would you suddenly come back with another project, and if you did, why would we have conditions on the current project that would then prevent you from doing another project that we would have to approve anyways, and maybe that's rhetorical and we'll argue that with staff.

Trachtenberg: Here's the issue that came up, OK? Once you grant us the conditional use permit, there's a fear that somehow that won't get built, and how do you review the next project? What standards do you use? Now, in the case of the Wisconsin Community Bank, there were no plans to submit when we asked the demolition permit because we wanted to take down some dilapidated building. Here we have a project, and I'm sorry if we made things worse, but the neighborhood said what protection do we have if this thing doesn't get built for some reason and somebody else comes in with a different project, because now the demolition's happened. OK, and now you bring in a permitted use that we don't like and we don't have the control over through the demolition standards. Bob's project is a permitted use, but for the fact that we have a building there already we could build this thing tomorrow morning. The only reason the neighborhood has to power of review is we've got some existing pieces of crap there that we had to take down. OK, now we take down the crap, technical term. What protection does the neighborhood have that for reviewing the next project if for some reason if this didn't come to fruition, and believe me, you know we want it to come to fruition, but we're trying to get assurances from the neighborhood in case the sky falls in and this doesn't get built and somebody comes by with a new project what do they get review power and somebody can't say oh I have an empty lot that's a permitted use, tough I'm not gonna talk to you. That's what we're trying to provide protection on. They've asked for it, we're trying to give it, for the security.

Heifetz: OK. Well I appreciate that but I'm going to hope for some further clarification from staff on that issue.

Trachtenberg: That's fine, I understand that.

Heifetz: Appreciate your understanding.

Chair: Ms. Olson.

Olson: Now that you've brought up the issue of conditional use and permitted use, um could you respond to a couple places in our packet, the Zoning Administrator's letter is one, that raises the issue of the possibility of what's proposed here exceeds the number of square feet for permitted use and actually is a conditional use, should be a conditional use.

Trachtenberg: Um, I would leave it up to the architect to go through those numbers. The architect believes that those numbers, the way they're utilized and part of that had to do with the use of the um, not the atrium, the entranceway, I think there was a question of whether that threw us over, and is it going to be used for events or anything that that might throw us over. My understanding

of the way that all the parts are going to be used, we do fall under a permitted use. This is a permitted use. If there's any questions about which of the... what the entranceway will be used for, further restrictions on that, you know to make sure that somehow it doesn't kick us up above the square footage. But as prepared, the plan doesn't call for that to be used other than ingress and egress and that's specified I believe in the documentation that we provided to you. I believe that but for the fact that the existing stuff on the property, uh this would be a permitted use.

Olson: OK, thank you.

Chair: Any other questions for Mr. Trachtenberg? Thank you.

Trachtenberg: Thank you.

Chair: Next speaker is Attorney Michael Christopher representing the Madison Chinese Christian Church, to be followed by Duane Steinhauer, if he's still here.

Christopher: Thank you. Ah, there were two questions asked by Commissioners that I think really hit the nail on the head. First of all, Mr. Basford's question about well, wouldn't this create a real problem, especially on Sunday morning. I mean obviously this is setting us up to be a perfect storm almost. I mean, the time where people exit a hotel, the most is Sunday morning. Ah and that's obviously the time that the church would be in most use. Ah and then the comment the question Mr. Heifitz asked, mainly this is terribly confusing. Ah, it's, it is terribly confusing. Um, it's confusing for this reason. The contention has been, and I think that's backed by the Zoning Administrator, this is a permitted use OK. If it's a permitted use then let's keep it a permitted use. Let's not say well let's turn this into a conditional use. But on the other hand, the conditions that the applicant is willing to have imposed on this are a really beneficial to my client because my client would want to see that yes, this is what's going to be built. But on the other hand it really bothers me that if something is a permitted use for the applicant to in quotes voluntarily say that this is a conditional use uh, I think really brings into question the whole definition of what is a permitted use in the Zoning Code. In terms of the deed restriction I mean I don't think this is just administrative thing for staff to take a look at this deed restriction in the second whereas it talks about that the applicant for a conditional use permit for the demolition. Well this is not a conditional use permit, I mean that's what we've heard from the very beginning, and towards the end of that page when we talk about the fact that um, that the Commission shall review in compliance with the conditional use standards and so on, but then it talks about consistent with the demolition standards. Well there's no conditional use standards in the demolition ordinance, so I mean part of, and I think you know the church has really expressed some real concerns here, part of the, would like for these conditional standards to be enforceable, but I really have a question about whether you can uh do that. The other thing I'd like to mention briefly is that John Lichtenheld talks about a level of service no lower than C. Well the Mr. Sieger commissioned a previous uh traffic study, uh that uh, is dated in 2006, I believe, uh dated December of 2006. And in that traffic engineer's report, which is what was commissioned by them, they said that the left turn from the alley onto Regent Street will be a level of service F. So I don't know how there's, there's some inconsistencies there. So I don't know what to say, I think a referral is in order, (TIME) because as someone once said on this Commission, this is not soup, so this I don't think is soup.

Chair: Questions for Mr. Christopher? OK, thank you.

Christopher: Thank you.

Chair: Is Duane Steinhauer still here? He was here earlier. No? OK. He was registered in support and wishing to speak, 912 Erin Street. Um, then we'll go to Lynn Pitman, 2259 Fox Avenue, representing the Dudgeon Monroe Neighborhood Association, to be followed by Sonja Moskalik.

Pitman: Um, representatives of the developers of 1501 Monroe Street and the Dudgeon Monroe Neighborhood Association planning and zoning committee have met several times over the past months. The developers have represented to us and to a recent open house for all neighbors that they intend to develop the 40,000 square foot business hotel with 48-rooms for guests. They've also given us assurances that they will control operations in such a way that this site, including any outdoor pedestrian areas will not become a destination point for non-hotel guests on football Saturdays. Uh the neighborhood association is very concerned about the enforceability of those assurances by the developers. A standard demolition permit granted on the grounds that the proposed plan is a permitted use does not provide any oversight by the Plan Commission. The staff report has reviewed the proposal and it's identified key aspects of the plan that are problematic and/or potentially place the project under a conditional use classification. The recommendations in the Planning Division report provide for some additional Planning Commission oversight, including financial guarantees for the project and conditional use procedures for any accessory outdoor use. The neighborhood association supports any process that would promote developer adherence to the plans and assurances presented to the neighborhood. If the Plan Commission cannot make continuing jurisdiction a condition for the demolition approval, we welcome any staff proposal that would require the developer to submit current plans as part of the approval process.

Chair: Questions for Ms. Pitman? OK, thank you. Next speaker is Sonja Moskalik, 747 East Gorham Street, to be followed by Rosemary Bodolay.

Moskalik: This is going to be short. Um, I live downtown but not in that neighborhood, and I've been following Bob Sieger's plan pretty much since he started. I believe it's not only a good fit for the neighborhood but an attractive fit and a really good fit for the City as well. That's all I have to say, thank you.

Chair: Questions? Thank you. Next speaker is Rosemary Bodolay, 1636 Adams Street representing the Vilas Neighborhood Association to be followed by Steve Fries.

Bodolay: Hi, thanks for letting me come and talk to you again about the project. Um, so in your, I'm not going to talk for a long time because in your packet you have a letter that was written on a staff comment sheet and also we've been in communication with Dudgeon Monroe so what Lynn just told you we are completely in alignment with Dudgeon Monroe's comments on this. So what I do want to say is in the packet that you have where I wrote the letter I discuss pretty much in detail some issues with mass and size, and since I wrote that letter I received a

new set of plans, I just got those plans last Friday night, where there were some changes, not significant changes in the drawings but there were some different totals in square footages and the newest little statement on one of the front pages stated that the numbers that are given as square footage is not interior square footage, it does go to the exterior wall. So hoping that everything gets measured properly we will see a building that from exterior to exterior is 40,000 square feet or less. Um, we do have some issues still with the outdoor plaza both in the front and in the back, so if those are used for parties or events we feel that would be a problem for the neighborhood. Um, and I'd just like to make one quick question statement about the deed restrictions and things that Mr. Trachtenberg was talking about. He kept saying that if the building came down and something different would be built, that's not just our concern, our concern is not that something different completely like a bowling alley, but our concern is that the plans we've seen so far will not be executed as they've been presented to us because there is no continuing jurisdiction, and one of things that's been particularly frustrating to the neighborhood association as well as some of the neighbors directly adjacent to it is that there's been ever changing plans and numbers and drawings, so, and I'll just say since January I've received five different sets of drawings with different numbers. So, they're a little, things change. So the um, but the other thing about size I just want to say is the neighborhood, the neighbors right behind it feel very strongly that they are facing a 5-story wall. The building from the alley is five stories. The Regent Street elevation is a five-story elevation and I don't see the picture here, but often the picture, the Regent Street elevation is shown with a Christian, ah Madison Chinese Church right behind it as if they are parallel. Actually that's not very accurate. Between the church and Regent Street there are two residential homes. One is 1-½ stories and one is a 2-story building. So even though I realize that Mr. Sieger's done a great deal to meet the Monroe Street Plan and we appreciate it, we still feel it doesn't transition to the neighborhood very well. We feel that there's five stories to the back, and there's five stories on Regent Street. TIME. So I'm happy to ask, answer any questions. I'm very tired.

Chair: Any questions for Ms. Bodolay? Thank you. Next speaker is Steve Fries, 2108 Fox Avenue, to be followed by George Hall, did you wish to speak, you didn't indicate? OK. Go ahead.

Rice: My name is Steve Rice. R-I-C-E.

Chair: Oh, I'm sorry.

Rice: That's alright. I own an architecture firm and I think I sent you a letter. Uh, anybody see the letter? I won't repeat any of that. I live in that neighborhood, I go by that building, I stopped in to see what Bob was doing. I think that his building is a very handsome addition to the corner, I think it's a handsome addition to the City, I think if you drive in tomorrow to work and see a more handsome building than this, then I'd be surprised on any of the streets in Madison. So ah, like I say I live about 6 blocks away, I'm looking forward to the project being complete, um the folks that live behind this project now look at a four story tall, gray, ugly, blank brick wall. It's not going to be a piece of the Arboretum that they're looking at in the future, but it's not gonna be any worse than it is now. So I'd say this was soup and you should approve it.

Chair: Questions for Mr. Rice? Thank you. No there aren't any questions, I just always have to ask. Um, and Mr. Hall you don't wish to speak you're just registered in neither support nor opposition for Regent?

Hall: Inaudible.

Chair: OK. To be followed by James Roper. This is George Hall, 2724 Regent Street.

Hall: Ah, Madam Chair and Commissioners, thanks for your patience. I'm representing the Regent Neighborhood Association. We're one of the partners in reviewing this project with Dudgeon Monroe and Vilas. I think in addition to the other things that have come out tonight the one thing that really hasn't been talked about is the need for, I guess cooperative and collaborative management of game days at the stadium. Um, with 100,000 people there, the intersection, the drinking, and the other things that do go on, currently we have a good system that works with the UW Athletic Department, the UW Police, the Madison Police, and the neighborhood associations and ideally, uh the use on this site would become part of the team, and that's why I think one of the reasons why the uh, the offerings by Ron Trachtenberg and others that are part of your packet that were distributed to you by John Stockham are vitally important and it's of concern I think to all of us that there be some continuing oversight to til the use is well established of what goes on and to have some ability to ah, to deal, as we've had to deal with some of the other establishments in the area. So with that I guess others have said things I would have said so I'll refrain and maybe we can enjoy an extra minute. Thank you.

Chair: Any questions for Mr. Hall? OK, thank you. Oh sorry, Ald. Cnare.

Cnare: Would you mind if I flip those boards around because people make references to the building and we can't see it, so can I put a traffic board and then elevations board up so we can have a point of reference? Thank you.

Chair: No problem. The next speaker is James Roper, 746 East Gorham Street, to be followed by Catherine Hixon.

Easel falls. Murphy: Bad easel.

Roper: Good evening, my name is James Roper, I live at 746 East Gorham Street, Madison. I've lived there for 13 years, I've been a resident of Madison for 50+ years, I'm familiar with this neighborhood, my grandfather owned a house on Baltzell Street, moved to Gilmore Street, my aunts grew up there, the University and my godfather lived on Breese Terrace, so I feel like I have roots in this neighborhood. I have roots in Madison and I think that this project is a good project, um it's been changed many times due to requests from neighborhood associations, neighborhood input, individual input. Bob is a perfectionist, I've seen his work before, I think this would be an asset to the City of Madison, and I think many of the issues that I've heard here tonight are issues that I've had in projects in my own neighborhood, Tenney Lapham Neighborhood. We have our own comprehensive plan, I know that this plan, ah Bob's plan meets the requirements of city zoning and we talked about permitted uses. Ah he's made every effort to meet the requirements of the neighborhood plan, multiple neighborhood plans. Part of the plan I

feel is that you get feedback back and forth from the developer. When we have a developer come in we give them our plan and say these are our guidelines, these are our criteria, now you meet those and “we might be happy.” But I mean that’s the criteria that we use, and it’s a give and take, it’s a compromise. There’s been many meetings, City staff, lawyers, making compromises to make a project work. Sometimes I think it’s terrible that you have a valuable piece of property in the heart of campus. Campus isn’t going to go away, we’re still going to have students, some of the drinking problems that have come up at these meetings, but I think a commercial project like this is easier to regulate than a private house that throws group parties, dance parties, everything else. I think this is uh, of all the projects I’ve seen this is probably the best appropriate use for this property and I would strongly recommend that you pass it this evening. Any questions?

Chair: Questions for Mr. Roper? Thank you.

Roper: Thank you.

Chair: Next speaker is Catherine Hixon, 29 East Wilson Street, to be followed by Daniel Clement.

Hixon: Good evening. Thank you for hearing me and I’ll try to be brief. My name is Catherine Hixon. I’m speaking tonight in favor of the Sieger hotel project on Monroe Street. More so I’m speaking in favor of ah, the Siegers, Bob and Debbie. I’ve known Bob and Debbie since 1989. We raised our children together in the same school systems. They’re property owners, what many people don’t know is they own a lot of income property. They’re not slumlords, these people have a vested interest in Madison. This family has raised those children and educated them well. Mr. Sieger has been a Wisconsin architect for 30 years. He’s also well known nationally, he’s done a lot of work in Colorado, not many people know that. He’s nationally known, he’s one of Madison’s treasures. This family has served the city on committees and personally I served with Debbie Sieger on the PTA. These are property owners that want to improve existing property that’s already appropriately zoned. The hotel is beautifully designed and will be landscaped very well. They will make bicycles available for guests, they’re not making this a halfway house for criminals. This is an asset to this neighborhood, the hotel guests will walk and shop along Monroe Street. You may ask what’s my interest, I live on West Wilson Street. Well believe that or not it’s just a short maybe mile from where I live on the other side of the Isthmus. It’s my love of Madison that makes me want to encourage projects like this. The cost of land per square foot demands that we have the highest and best use of every inch to maintain our high quality of life. Hotels are being built in Middleton, Fitchburg, Sun Prairie, and we recently lost a project to Puerto Rico. Those cities are thrilled that we send them all the revenues that could be going to our city. Perhaps one day they will build even bigger convention centers that now rely on the hotel revenues in Madison. I say that with tongue in cheek. Traffic from the hotel suburbs, so if someone goes to a hotel, they want to visit Madison, they’re going to a convention, they’re going to rent a car and they’re going to bring traffic in and out and it’s going to increase the congestion. The hotels in the Isthmus area, people walk, they walk, they shop, they go to their destinations, they enjoy the city and they love it. The traffic that goes back and forth creates an awful lot of congestion and I for one am not in favor of that. Progress keeps the city alive. The founders of Madison allowed larger buildings to grow, like residents, like

Dowling, like Kennedy Manor, the Bellevue, hotels like the Lorraine, the Edgewater, the Concourse and lately Monona Terrace to accommodate the needs of our city, and... TIME. May I speak another minute?

Chair: Yes.

Hixon: Thank you. And recently, um the Hilton. Our city is diverse with opportunity. This hotel will bring walkers to the businesses in the area. Madison has a wonderful architect with a supportive family, working with a local builder and with recommendations from city staff and neighbors, they will work with them, and I ask that you keep our treasures local and do what is right for Madison. Thank you.

Chair: Questions for Ms. Hixon? Next speaker is Daniel Clement, 815 Oakland Avenue, to be followed by Dean Grosskopf.

Clement: Hi, I feel like there's sort of an age criteria to be here, but um obviously I'm an immigrant and I came to Madison a few years ago, I want to say about 10 years ago, my family came here. But one thing I love about Madison is they keep everything local. I remember the incident that happened at Starbuck's down on State Street, where you know another franchise coming into Madison and the thing I liked about it was not the violence part of it but that'd be one key, homegrown owners in our city. Um, I think it'd be a shame, like the lady that just spoke, it'd be bring in big corporations and they definitely take the money out of here. People like me, my generation, we're really, we're very much a part of Madison. We go to school here and we like to reside here, and I think we're the kind of people that send our talent away it's not a good example to set for people like me. I've met with Bob a couple of times and he is a passionate man. He's not the kind of person who will ah, he never gave me the impression that he's proud. He's a humble man. I think the way he worked with the community and this neighborhood, somebody mentioned they had several different plans, every time they went in there was a different plan but that's because he wanted to work with the community. And I think for somebody like me and somebody whose lived in Madison and I'd like to see what all happens here, so I would love for this project to be approved um, just be around it, I think it's going to be a great thing for us. So...

Chair: Thank you. Next speaker is Dean Grosskopf, 2418 Crossroads Drive, representing hotel operations to be followed by Ald. Solomon.

Grosskopf: Good evening. Um, yes I'm Dean Grosskopf representing Professional Hospitality and we will be managers of the property once it is completed. I just wanted to stress that sincerely we want to do a first class project and we plan on operating it in that manner. I've successfully managed hotels for 30 years and ah am a Madison native on the east side of town. This deal is a low impact small hotel and it, the whole idea of it is for it to be an upscale, classy, quiet operation. There's no plan here to have this be rowdy, or wild or crazy. I think that the construction budget is at in the \$7-8 million range, and for that kind of an investment the owners that are eventually going to be in this project want this handled in a first class manner. And so I'll be happy to answer any operational questions that you have, but I think our sincerity is

expressed in the deed restrictions that we've offered and it's really our belief that it'll be run perfectly and professionally. Any questions?

Chair: Yes, there's one. Ms. Olson?

Olson: Yeah, I didn't hear you when you said the properties you do manage now, the hotels you manage now?

Grosskopf: We have 15 hotels currently in operation and our latest project is a 135 room Radisson hotel in Menomonee Falls, Wisconsin that the, by the way the village is offering us about \$8 million in public assistance to redo and ah, renovate to new standards. So this project and in our backyard and a project of that size would be fairly easy for us to handle and certainly we'll be able to give it every detailed attention that's necessary.

Chair: Any other questions for Mr. Grosskopf? Ald. Cnare?

Cnare: Speaking of running hotels, how many people would this employ?

Grosskopf: Um, it'd probably be about 30.

Cnare: OK, thank you.

Grosskopf: You bet.

Chair: Any other questions? Thank you. Um, Ald. Solomon.

Ald. Solomon: Good evening everyone. Um, first I want to start by thanking everybody whose been working on this: Chinese Church, ah Vilas Neighborhood, DMNA, Regent Neighborhood and Bob Sieger and his team. Um, I do think this project has come a long way in the last couple of years. I think that Bob has made a very sincere effort to try to address a lot of the concerns that have been raised, but I also think that you have a neighborhood, a group of neighbors that are not anti-development as has been said, and not even necessarily anti this project. I heard somebody say tonight, and this isn't soup yet, as my predecessor used to say, I actually think this probably is soup and I think a lot of the people involved think that it probably is soup. I think the concerns that I'm continuing to hear are that they're scared it's going to change flavors, and I think that's a bigger concern. And so as I talk to my neighborhood, I live in the Dudgeon Monroe Neighborhood, which is part of District 10 and is right across Monroe Street which is District 13, which is the district in which this project would reside, um the concerns that I continue to hear are the ones that are being raised here tonight. Ones about whether or not the lobby, and the size of the lobby and the use of the lobby, about the plaza and whether or not the plaza would have some use that would bring this over 40,000 square feet. And I think some of you already tonight have asked the questions that neighbors have been asking um about whether or not there should be some kind of continuing jurisdiction about whether or not a conditional use makes more sense, given there's a chance they would come back with something that would push this over 40,000 square feet, um or whether if this deed restriction thing, this is the first I've heard of it tonight, but if this is truly a way to address this issue, does it make sense to refer until staff have

a chance to work out the details of that. I don't know those answers, but I think something along those lines is something that makes sense in order to have this project move forward and I'm hearing the developer say that they're OK with something like that. I mean with them coming forward and saying they're OK with the deed restriction I'm hearing that they want to come forward and say to the neighbors we're making a promise and we're also willing to accept enforceability of that promise. But I'm not sure if it's where we are when the Plan Commission votes to approve something without that deed restriction actually in place and without staff approving it and I'll be interested in your question and how staff answer that question. Um, because I think we're pretty close to having a place where ah, where neighbors can feel comfortable about this and the development team feels good about what they're giving, about the promises and the guarantees that they're giving to the neighbors. So, thank you. And I'll answer any questions if anybody has any.

Chair: Questions for Mr. Solomon? OK, thank you. OK, that um, concludes the individuals who wish to speak this evening. I have in my hand 14 in support not wishing to speak, 1 in opposition not wishing to speak, and 1 registered neither in support nor opposition. These will all go on the record, in the interest of time I think I won't read these aloud this evening, um, are there any questions for, from Commissioners for registrants? Mr. Basford?

Basford: Ah, question for Mr. Sieger. Hi, ah I'm looking at the alley elevation and I was also when you first put up your model there I took a quick look at it. Ah on the alley side are these, are we having open decks like there are open decks on the Regent Street side?

Sieger: No, one of the requests of the neighbors was that there would be no decks on the alley side, which is east, so the only decks that are part of the project face Regent Street and Monroe Street, basically the base of the Field House and the open lot that's 300 feet deep.

Basford: OK. Thank you.

Chair: Mr. Boll.

Boll: A question for Mr. Trachtenberg.

Trachtenberg: Yes, Sir.

Boll: Sir let's see if we can clear up this ah deed restriction issue before we get into our discussion phase. It seems to me that its been expressed by ah Alder Solomon that there is a concern that perhaps the plans that have been proposed will either be changed in a minor way or a whole different project would be proposed and it seems to me that what you're attempting to do with your deed restriction is give some comfort to the neighbors that if a change is made to these plans or if a new project is proposed that then it would have to come back to the Plan Commission for approval.

Trachtenberg: That is correct but not only the physical plans but the operational part of it which is part of our proposal so we make a change in the physical plans or the operational proposal whether it's, well if it's minor I assume it could be handled by a minor alteration, but if it were

anything but a minor alteration type thing, if you decide to go that way and you don't have to, then it would have to come back to this commission, or for some reason the whole thing fell apart, either scenario would have to come back here also.

Boll: Correct. And so if we come to that conclusion that that's the path we want to take, then the next issue we have to decide if what standard we would review that against, if the change was made.

Trachtenberg: That's correct. And with all due respect, I understand there's some verbage difference between the demolition standards and the conditional use standards, I would tell you the way it's been practiced lately, the two have melded quite a bit, so I don't care which set of standards you use, because effectively you're going to use both of them anyway, as a practical matter.

Boll: Would you be comfortable with the PUD standards being utilized?

Trachtenberg: Well the PUD standards is basically, they aren't, I don't want to say it's going to be a rezoning, OK? And the only reason I use the rezoning and the deed restriction I prepared is because basically that's what I used. I would rather go in with the demolition standards or the conditional use standards and if, if there's any changes in the operation it would have to come back here so you have continuing jurisdiction in that sense anyway. If you want continuing jurisdiction over outside activities other than ingress and egress and parking, you can put that in there too.

Boll: Would you be comfortable if instead of a deed restriction what we did is we just put a condition on the approval, which may speed things up and may be a little bit clearer to everyone.

Trachtenberg: In the conditions _____ that these plans are being approved and that's fine, but I understand, and one of the conditions that came up and I think where the neighborhood felt uneasy was OK, these are the plans that are being approved suppose the building comes down and then what happens.

Boll: Right.

Trachtenberg: And unfortunately this, that may be an issue in the ordinance because when you approve a demolition permit, you think you're approving it subject to a project being built. What happens if that project isn't built for some reason? And I was trying to tie it back, that's all I was trying to do.

Boll: Right. I understand. Let me just run this past you. If instead of a deed restriction we just put a condition on, if it goes down this path on approval that says "If physical or operation plans of the existing project change, minor changes will be reviewed by staff, major alterations or changes in the plan will be reviewed by the Plan Commission under..." and we can then discuss what standard would be utilized.

Trachtenberg: And that would be fine, I would also recommend to you so it's a matter of record, I'm willing to record it in the Register of Deeds Office, but your language is fine.

Boll: OK, thank you sir.

Chair: Other questions for registrants? Ald. Cnare?

Cnare: Perhaps one for Mr. Sieger. I'll wait til he reappears from behind the boards. Oh, OK, it could be anybody who wants to talk about architecture. That's everybody in this room! I'm sorry...there were a couple references to plazas and what will be happen in them, and there's still some recurring stuff about outdoor you know, I'll use the word beer garden as a generic term. I'm looking through my plans and I want to be sure I'm thinking about the most current concept because I don't see plazas marked out in here, so can you tell me what the current thinking is the uses that go with those?

Sieger: Ah yes, um, this plan represents Monroe Street and actually the blue line is how close the curb is right now. Ah, basically from about me to you is where the traffic car is. So, the idea was that we really didn't want the front door to open and hit this 30,000 car count that's there all the time. Um, and we wanted some basically gracious space or what in architectural terms they call crush space that allows you to have a little pedestrian area before you hit the main sidewalks and the 30,000 square, uh cars a day. So basically it's transition space, exactly, it's entrance plaza area, much like the entrance plaza to this building, it's recessed, there's plenty of space for people to gather, and uh interact a little bit before they hit the sidewalk so that they're not bang, right on the street. And the biggest reason for that terrace area is the close proximity and the car count on this corner. This is not typical you know, small you know, uh city traffic count. This needs to be pulled off for a little peace and quiet at the front door. Um, and that area is represented by the flower garden and the greeneries in the lighter um, uh, um tones from the main dark green which is just the 8,000 square foot lot, and then uh, any other questions about the outdoor areas?

Cnare: That's not a place where there's seating, or there might be a bench but there wouldn't be tables, and...?

Sieger: No, there, at this point there is strictly a soft area for people before they go into the building.

Cnare: And it's covered?

Sieger: And it's covered, correct.

Cnare: OK. Thank you very much for the explanation.

Sieger: OK, and it's through this kind of colonnade that has purposely been added on the sidewalk to kind of uh, replicate some of the architectural features of the current other two commercial buildings.

Chair: Other questions for any of the registrants? OK then, I will close the public hearing and open it to questions for staff. Ald. Gruber?

Gruber: Yes, um it seems like this has made a lot of progress to conforming with the Monroe Street Plan, is that, this is for Mr. Murphy. Um, the one thing that I have a question about is what we, the fact, we were just discussing here about the entryway. Um, now the building itself is close up to the property line, but the door, it seems it's about 20-feet off of the sidewalk. I'm wondering what the intent of the Monroe Street Plan was in terms of the proximity to the sidewalk and how this fits in with that, the intent of the Monroe Street Plan.

Murphy: I'm really not sure that it anticipated a door that was set quite that far back from the sidewalk, with the, basically the remainder of the building up to the sidewalk. But I don't, I don't know that it actually speaks to that situation.

Gruber: Correct me if I'm wrong, it seems to me that the intent is in fact to have entrances that are close to the sidewalk. It doesn't necessarily have to be right up to the sidewalk, but if you look at Monroe Street up um, say across from um, what is, um, I'm blanking on the new building, but um the commons, Monroe Commons, thank you. Um, the entryways are very much in close proximity to the sidewalk, so am I correct in that being the intent of that plan?

Murphy: I would have to go back and reread the plan specifically...

Gruber: OK, sorry.

Murphy: Specifically looking at, for references to the location of entrances to buildings fronting on Monroe Street. I apologize, but I'm not ah, sure I can answer the question accurately.

Gruber: OK, thank you, thanks for trying.

Chair: OK, Ms. Olson and then Mr. Boll.

Olson: A question for Mr. Tucker, ah related to the issue of whether um, any part of this proposal may cause it to be over 40,000 square feet and therefore a conditional use.

Tucker: Ah, the submittal ah, is currently under the way we calculate square footage. There are a number of areas that are excluded from calculation, um parking areas, areas outside of exterior walls of buildings. When you add up the submitted square footages on the plans it's less than 40,000. There's no outdoor eating areas proposed, there's no non-accessory events associated with Camp Randall proposed, so it's a permitted use.

Olson: Despite your...OK, so your letter here uh is just raising the possibility that if those accessory uses existed it would probably exceed 40,000 square feet.

Tucker: Yes.

Olson: OK, thank you.

Chair: Let's see, Mr. Boll and then Ald. Cnare.

Boll: Mr. Murphy, as I indicated to Mr. Trachtenberg I, if this heads down the path and the Commission believes this should be approved, to deal with the deed restrictions I would propose that we add just a condition. And on that condition as I articulated essentially would say that minor alterations would be reviewed by staff, major changes to the project would be reviewed by the Plan Commission and any alternate plans would be reviewed by the Plan Commission. We have to arrive at a standard. It seems to me there are three standards we could use, conditional use, demolition or PUD. Do you have a recommendation on which standard we should utilize? Feel free to think about it if you like.

Murphy: Well, um, you must use the demolition standards to make this decision.

Boll: Correct, but...

Murphy: And what you've been, what I think where you're heading is uh, is to try to build in some type of continuing jurisdiction over this demolition permit.

Boll: Correct.

Murphy: And the future use of the property.

Boll: Correct.

Murphy: And uh, that uh, provision currently doesn't exist in the Zoning Code for demolition permits, so the way that we've gotten there in the past, which ah, this wouldn't be the first time that we've conditioned the approval of a demolition permit on something else happening in the future is by requiring the deed restriction that would run in favor of the city that would build in specific standards or requirements that would govern the uh, future building to be built. Most typically the Plan Commission has required the new building to be brought back to the Plan Commission for approval. I think in some cases reviewing it against the conditional use standards and in other cases just being silent and saying the new building needs to come back for Plan Commission approval. In this case, ah, we're, I talked to the Zoning Administrator just briefly when you gave us a warning that this is where you were heading with a possible motion, and uh both of us are concerned with the enforceability of a simple condition that isn't well grounded in the ordinance and would be more comfortable with either a recommendation for a deed restriction that would incorporate those same conditions, or with the opportunity to discuss the enforceability of the condition with the City Attorney's Office to make sure that we, we are well grounded in our ability to enforce the condition.

Boll: Whether we go with a deed restriction or a condition, do you have a suggestion on which standard we would utilize or place in that deed restriction?

Murphy: Well if your intent is to build in a continuing jurisdiction type requirement, which is what I believe your intent is, then I would recommend that you use the conditional use standards,

because that process incorporates the continuing jurisdiction, and it incorporates uh, standards that go toward the possible effect of the proposed use might have on nearby uses, more so than the demolition standards or even the PUD standards.

Boll: And if we do go down the path either on the condition or if it's a deed restriction, I assume that if we put in language as I have indicated that minor changes to the plan will be approved by staff, we don't need to define minor because staff can make the conclusion we're not going to handle it, we think it's major like we do in other situations and bring it to the Commission, correct?

Murphy: If you refer to the conditional use process, that process includes a minor alteration process, so it already would be incorporated if we build in the correct references into a potential deed restriction.

Boll: OK, thank you.

Chair: Ald. Cnare?

Cnare: When did this go to Urban Design? I don't see a report in there from the Urban Design Commission?

Murphy: I don't believe it did.

Cnare: When would it go?

Murphy: It would not because it's just a demolition permit.

Cnare: So when it comes back with the building though, it's never going to go to Urban Design?

Murphy: No.

Cnare: OK, fine.

Murphy: Because the only approval that's required to build the buildings is the...

Cnare: The demolition permit?

Murphy: The demolition permit.

Cnare: I don't like this. OK.

LAUGHTER

Murphy: Aside from that, it's a permitted use.

Cnare: Well then my next question is then assuming that there might be a bar in here, or a place where patrons could get a drink, how much would, how much could we influence what the Alcohol License Commission Review Commission might do? Cause we're trying to set some behavioral standards through our conditional uses or our continuing jurisdiction. Is there a way to make sure that other licensing bodies understand the intent of everything we're trying to do with these uses? Is there a logical way to connect those in your opinion?

Murphy: Uh, we can certainly provide the Alcohol License Review Commission and the Common Council with a copy of our staff reports and the minutes of your action.

Cnare: OK, thank you. That's an important link.

Murphy: And a letter of approval if it's approved.

Cnare: OK, thank you.

Chair: Ms. Olson?

Olson: Does this go to the Common Council?

Murphy: No.

Olson: Why did you raise the issue?

Murphy: The Alcohol License...

Olson: Oh. OK. Alright. Um, and so, what I really pressed my button here was to ask you about the enforceability of any path we take here. I just am, do we have good precedent, good analysis from the City Attorney, um your own experience with this path, um how enforceable it will be into the future.

Murphy: Well I'd like to also ask the Zoning Administrator to respond since it's his office that has to try to enforce whatever conditions the Plan Commission and Planning staff suggest on demolition permits and, like this. Ah, but I believe that um a deed restriction would, would be the best course of action based on what we know tonight. We've done it in the past. You know it's, deed restrictions are also tough to um, keep track of because they're applied to individual properties. It's not in the Zoning Code, it's a separate deed restriction that applies only to this property, and every one is unique. Every deed restriction has different, different language in it. We need to build in um, an amendment provision, and appeal provisions potentially, enforcement provisions. It needs to run in favor of the City. The City Attorney's Office needs to be confident that the language is enforceable, and you know that seems like a safer approach at the moment than just the general condition that we were talking about earlier. But I would also, if I could ask Matt Tucker to respond, that might help.

Tucker: Ah, we have done some enforcement actions on deed restrictions in the past and they're somewhat problematic because they're outside Zoning, it's not a typical referral for a zoning

violation or the like. Um, the enforcement comes from the parties that are written into the deed restriction, but it is a mechanism that we've used in the past, although not the favored mechanism. It would be quite a bit of work. I don't think the package that we would want to put forward for deed restriction right now, there's a lot of stuff in some of the operational components that are, would be very difficult for us to enforce. Extra stuff that could be trimmed out per se. Otherwise Brad really had all the main parts of how deed restrictions work or technically don't work, and then you have to build a lot of institutional knowledge of people that know they exist, because they're not easily found in the city's coffers, they tend to disappear or fall out of favor.

Olson: Could, could I, this is a pretty quirky question but I guess, ah, you know if the applicant were to add a 44-foot addition to the, to the site, maybe for a cigarette stand or something, I don't know, but as an accessory use, it would become a forty, 40,000 square foot property and fall under the conditional use, and I'm just, as an easier way, something we're all familiar with, um just wondering if I could ask if the applicant would consider such a thing and bring it back to us?

Trachtenberg: What was the question exactly?

LAUGHTER

Sieger: I think the answer's yes.

Trachtenberg: I think the, well, I just want to hear the question because I would ask the court reporter to repeat the question cause I was talking to somebody else back there, but could you repeat it, I don't mean to be impolite and I'm sorry.

Olson: Sorry, um, would you consider adding 44 (square) feet to the site to make it 40,001 feet, so we'd have a conditional use requirement?

Trachtenberg: Well, then we have to do a whole new application, and it delays us, and it delays us for about 8 weeks, and we want to get in the ground right now, and I honestly believe that Mr. Boll's suggestion will work, subject to approval by the City Attorney. I would ask you to approve the project, the conditions, Mr. Boll's amendment, subject to the form of the deed restriction being approved by the City Attorney's Office. And as far as these things falling off the face of the earth, we have something called computers, and on computers you have all types of notes, and every PUD is a separate zoning document, all different, and they're on the computer with little notes, and believe me, if there's any enforceability issue on this thing, we're going to have three neighborhood associations, four alders down our back and you're going to have the deed restriction on your computer. I'm not worried about the enforceability of it, provided the City Attorney says it can be enforced. And if you want to put a provision in it, and the City Attorney does this all the time, that if we lose we pay their fees. That's fine too. We just ask you to move it on tonight subject to the approval of the City Attorney in the form, the ah, what do you call it, deed restriction, we have no problem with the conditional use standards. But we don't want to wait another 8 weeks, because that way we'd have to make a conditional use application.

Chair: Other questions of staff? Actually I have one that I wanted to pursue. It's sort of like Ms. Olson's question. If a building that is this close to the edge on square footage, um does come in and ask for a conditional use for some accessories outside, could that conceivably add the number of square footage, square feet that would put it into the conditional use category overall?

Tucker: Ah the answer would be yes. In my staff report I made a note that there appears to be some kind of relationship between the lobby lounge or whatever, and the entrance, there's some doors on the elevations. Just adding the opportunity to serve food and drink in that area, as associated with the restaurant is going to put that site over the 40,000 square footage, which would make it a conditional use.

Chair: And if it's informally used by guests of the hotel and their invitees, um without you know, things being served out there officially or anything else, what happens then?

Tucker: People are just out there?

Chair: They're using that space but it doesn't get added to the square footage unless it's officially asked for.

Tucker: We would have to take a look at how they proposed to use that space, because it's pretty clear if somebody's going to use it for the serving of food and drink, I don't know what the alternative use is, accessory could be, I, we would have to wait and see. The conditional use is the serving of food and drink out there, uh, which is a conditional use in and of itself, so you're going to get it one way or the other.

Chair: If it's requested formally? As opposed to just happens?

Tucker: If we see it, we will send order and if they want to correct those orders we will tell them the steps necessary to make it legal.

Chair: OK, thank you. Any other questions for staff? If not, does someone have a motion? Don't all hit your buttons at once.

LAUGHTER

Chair: Mr. Boll?

Boll: Alright, I will move approval and I will add the following condition: that if a physical or operational change to the plans of the existing project creates a minor change it will be reviewed by staff. If a major alteration or an alternate plan is proposed that plan will be reviewed by the Plan Commission under the conditional use standards. And that condition then will be that this will be placed in a deed restriction that must be approved by the City Attorney.

Chair: Ald. Cnare?

Cnare: I suppose it goes without being said that it include, now I'm going to say it, all of the conditions placed, how will you capture what the neighbors kind of conditioned on to here?

Inaudible.

Cnare: OK, just checking, maybe I had an idea.

Chair: OK, the motion as it stands is to approve with the condition that a deed restriction be drafted and approved by the City Attorney's Office to accomplish this continuing jurisdiction and standard of review if there are changes.

Basford: Thank you. Um, I'd like to add an amendment, um, that would ah, expressly forbid the use of any outdoor areas for the purposes of beer gardens.

Chair: Objection? Any objection to adding that? I see none. Consider that part of the motion. Ald. Gruber?

Ald. Gruber: Thank you. Um, I would like to say that this has gone a long way in conforming to the Monroe Street Commercial District Plan, but I still, I don't think it quite, in the regards to the entrance, and I think that's a pretty important part of the building, and a pretty important part of Monroe Street and the plan is that the, the door be, I agree with the architect that it doesn't have to be right up on close to the street, it could be set back a little ways, but this seems like really excessive and to me doesn't conform with the Monroe Street Plan, and so based on that I can't support approving it yet. I would probably support a referral because I think this could be worked out pretty easily. It's one of the many details that just, ah, is not quite there yet. A lot of the other details are there and the fact that it is down to four stories as the Monroe Street Plan calls for.

Chair: Ald. Cnare, and then Ms. Olson.

Cnare: Am I to be sure that we have recommendations in the staff report, specifically number 5 that talks about the development plan, how those will be managed. (Boards fall down). Must have been dangerous boards all night. So does our current motion supercede number 5 because we're asking for different ways to approve things, so we will strike 5 but keep 1-4 as part of the motion?

Yes.

Cnare: OK, thank you.

Chair: Any objection? That's basically a clarification on the removal of number 5. OK. And Ms. Olson.

Olson: I'd just like to ask the question that someone just asked and that is how do we know we have all of the neighbors concerns listed in the deed restriction? Maybe Mr. Murphy could answer that.

Murphy: I, I don't know that uh, that I can. I mean we have the proposal to include ah, the operational plan that's been recommended by the applicant, and to require that the physical plans that have been presented and approved this evening, that those would be built and that any changes would be treated as minor or major alterations to that, and that uh, I've heard for the purposes of ensuring that those conditions are met, the Plan Commission would retain continuing jurisdiction over the project, ah all utilizing the conditional use standards and that that would be built into a deed restriction approved by the City Attorney and recorded prior to the issuance of a demolition permit. So to the extent that the operational plan and the plans that have been submitted address the concerns of the speakers and the neighborhood, then we're covered, but beyond that ah, that's all that is included in addition to the staff recommendations from the Planning Division and other divisions.

Olson: OK, thank you.

Chair: Um, Mr. Boll and then Ald. Cnare.

Boll: To address that question when it was raised, my intention was to create a condition that would go into the deed restriction to resolve what I thought was the major concern expressed by the neighbors, which was the potential of the plans changing. So that was my intention, if there's other concerns that other members have they can certainly bring those forward in additional conditions.

Murphy: Now I should point out, not to complicate things, but you limited the applicability of the conditional use process to the application, I believe of the standards applied to changes to the physical development plan and the operational plan. Ah the conditional use process is broader than that in terms of the continuing jurisdiction to resolve complaints against the, and the like. I mean, I'm not, do you wish to refer to the entire conditional use process? And I see nodding from the attorney for the applicant. So we're incorporating the entire conditional use process into the deed restriction? That would actually be a lot simpler.

Chair: The long way around but we'll get there. And, I see no objection from Commissioners to that clarification. Ald. Cnare?

Cnare: Since traffic was a big issue and we do have as part of our packet, but I'm not sure this is part of the operating philosophy of the hotel, we had those recommendations about left and right turn only signs. Would those be considered part of the operating plan or are those separate, and wouldn't those need approval by Traffic Engineering?

Murphy: Yes.

Cnare: OK, so, so yes to approval or yes to...

Murphy: Traffic Engineering will need to approve the final plans, the site plans for governing ingress and egress and signage.

Cnare: I don't know that those are necessarily marked on the plans but I think it should be part of the approval process to indicate whether or not the proposed controls for left turns and right turns during peak hours would be suitable for this.

Chair: Anything else? OK. So the motion is to approve with the deed restriction that essentially requires the conditional use process to this project with that standard of review, the restriction to no outdoor eating areas, and working out, sorry? (Right, beer garden, outdoor eating area, right.) Sorry. We know it when we see it. Um, and a reference to Traffic Engineering's working with the recommendations of the developer on the sign on turning movements. Everyone clear? All those in favor say aye. Those opposed no. Item 16 is approved with that condition.