Department of Planning & Community & Economic Development
Planning Division
Heather Stouder, Director

Madison Municipal Building, Suite 017
215 Martin Luther King Jr. Boulevard
Madison, Wisconsin 53703
Phone: (608) 266-4635
www.cityofmadison.com

****BY E-MAIL ONLY****

January 24, 2024

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

RE: Consideration of a conditional use in the Traditional Employment (TE) District for a building exceeding five stories and 68 feet in height; consideration of a conditional use in the TE District for a hotel; consideration of a major alteration to a conditional use per Section 28.137(2)(e) of the Zoning Code for a planned multi-use site containing a hotel; consideration of a conditional use in the TE District for a food and beverage use (including but not limited to a restaurant, restaurant-tavern, or brewpub); consideration of a conditional use in the TE District for an outdoor eating area for a food and beverage use; and consideration of a conditional use in the TE District for accessory outdoor recreation, all to allow construction of a 15-story, 265-room hotel with a food and beverage uses and outdoor eating area at 929 E Washington Avenue in a planned multi-use site containing a 144-room hotel, a five-story, 92,000 square-foot office building, and a 380-stall shared parking structure (Curtis V. Brink, Archipelago Village, LLC). (LNDUSE-2023-00092; ID 81082)

Dear Doug;

On January 22, 2024, the Plan Commission found the standards met and **approved** your conditional use requests for 929 E Washington Avenue. Prior to issuance of building permits for your project, the conditions of approval in the following sections shall be satisfied:

Please contact Brenda Stanley of the City Engineering Division at (608) 261-9137 if you have any questions regarding the following sixteen (16) items:

1. The property is an open contaminant site with the Wisconsin Department of Natural Resources (WDNR) (BRRTS #03-13-001608,MAUTZ PAINT SITE #1). Submit proof of coordination with the WDNR to remediate the site and address residual contaminant concerns associated with the proposed site plan (e.g. vapor mitigation, dewatering) to Brynn Bemis ((608) 267-1986, bbemis@cityofmadison.com).

2. The applicant shall enter into a City/ Developer agreement for the improvements required for this development. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum.

3. Construct sidewalk, curb and gutter, terrace, and pavement according to a plan approved by the City Engineer.

4. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development.

5. An Erosion Control Permit is required for this project.

6. A Storm Water Management Report and Storm Water Management Permit is required for this project.

7. This site appears to disturb less than one (1) acre of land. No submittal to the WDNR, Capital Area Regional Planning Commission (CARPC), or Wisconsin Department of Safety and Professional Services (DSPS) is required as the City of Madison Building Inspection Department is an approved agent for DSPS.

8. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

9. The area adjacent to this development is subject to backwater flooding from Lake Monona. Minimum entrance elevations for ramps to underground parking and to entrances shall be set at elevation 852.00. The stated elevation is intended to be protective but does not guarantee a flood proof structure. The Developer/Owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service to which they are comfortable.

10. This project will disturb 20,000 square feet or more of land area and require an Erosion Control Plan. Please submit an 11- by 17-inch copy of an erosion control plan (PDF electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

11. The applicant shall demonstrate compliance with Sections 37.07 and 37.08 of Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.

12. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Madison-Dane County Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.

13. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify the City Engineering Division at (608) 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.

14. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by MGO Chapter 37.

15. This site has an existing stormwater management plan. Any changes to that plan or to the site that would affect that plan will need to be reviewed.

16. The proposed parcels within this development (and/or adjacent to) are dependent on each other for overland and subsurface storm water drainage. A private Storm Sewer/Drainage Easement/Agreement for all parcels within (and/or adjacent to) this development shall be drafted, executed and recorded prior to building permit issuance.

Please contact Jeff Quamme of the City Engineering–Mapping Section at (608) 266-4097 if you have any questions regarding the following two (2) items:

17. An amendment to Archipelago Village Condominium declaration and addendum to the plat shall be recorded due to the significant change in building / development proposed, additional floors and the change of boundaries between units and common elements. The necessary changes to the condominium units may affect parcel numbering and addressing for the building and condominium units. The plans shall acknowledge and show the changes to the units of the condominium plat.

18. Submit a site plan and a complete building Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floorplan of each floor level on a separate sheet/page for the development of a complete interior addressing plan. The Addressing Plan for the entire project shall be finalized and approved by Engineering (with consultation and consent from the Fire Marshal if needed) **prior** to the verification submittal stage of this LNDUSE with Zoning. The final approved stamped Addressing Plan shall be included in said Site Plan Verification application materials or a revised plan shall provided for additional review and approval by Engineering. Per MGO Section 34.505, a full copy of the approved addressing plan shall be kept at the building site at all times during construction until final inspection by the Madison Fire Department. For any changes pertaining to the location, deletion or addition of a unit, or to the location of a unit entrance, (before, during, or after construction), a revised Address Plan shall be resubmitted to Lori Zenchenko to review addresses that may need to be changed and/or reapproved.

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following fourteen (14) items:

19. The applicant shall be financially responsible for the construction of a northbound turn lane at the intersection of S Paterson Street and Et Washington Avenue as required by the City Traffic Engineer to be completed under a City Engineering developer's agreement.

20. A deposit of $50,000 payable to City Treasurer will be required for the installation of pedestrian-level lighting on E Main Street and S Paterson Street to be completed under a City Engineering Division Developer's Agreement.

21. The applicant shall submit a Commercial Delivery Plan for review. This plan will include times, vehicle size, use of loading zones and all related turning movements. The applicant shall demonstrate use of loading zone with turning template.

22. The applicant shall submit a valet operations plan to be approved by the City Traffic Engineer prior to sign off. The plan shall include the anticipated valet routes.

23. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.

24. The developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

25. The City Traffic Engineer may require public signing and marking related to the development; the developer shall be financially responsible for such signing and marking.

26. All parking facility design shall conform to the standards in MGO Section 10.08(6).

27. All bicycle parking adjacent pedestrian walkways shall have a two-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.

28. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by the City Traffic Engineer.

29. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (No visual obstructions between the heights of 30 inches and 10 feet–25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.

30. The applicant shall provide a clearly defined five-foot wide walkway clear of all obstructions to assist citizens with disabilities, especially those who use a wheel chair or are visually impaired. Obstructions include but are not limited to tree grates, planters, benches, parked vehicle overhang, signage and doors that swing outward into walkway.

31. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4766) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the main City of Madison Traffic Engineering office with final plans for sign off.

32. Note: This site presents difficult constructability issues; access to neighboring sites must be maintained at all times, protected walkways will be constructed and maintained as soon as possible and little to no access to the public right of way on E Washington Avenue will be granted for construction purposes. Provide a detailed construction plan to Traffic Engineering for review by the Traffic Control Specialist Mike Duhr prior to final signoff.

Please contact Jenny Kirchgatter, Assistant Zoning Administrator at (608) 266-4429 if you have questions about the following eleven (11) items:

33. Identify the principal building entrance and the setback distance from the property line. Principal building entrances on all new buildings shall be oriented to their primary abutting street and be located within the 20 foot maximum setback. The entrance shall have a functional, operable door and remain open to the public during the same hours as all other public building entrances. Additionally, secondary entrances may be oriented to a secondary street or parking area. Entrances shall be barrier-free, clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features.

34. Required loading facilities shall comply with MGO Section 28.141(13). Provide three (10- by 50-foot) loading areas with 14 feet of vertical clearance to be shown on the plan. The loading areas shall be exclusive of drive aisle and maneuvering space. The required number of loading spaces may be reduced through conditional use approval.

35. The site lies within Wellhead Protection District 24. Per Section 28.102(3), all uses in Zones A and B of any Wellhead Protection District shall be approved by the Water Utility General Manger or his/her designee. A use may be approved with conditions. Approval by the Water Utility General Manager or his/her designee is in addition to all other approvals required for the proposed use.

36. Per Section 28.134(3) Capitol View Preservation, show the height of the building per City Datum. No portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or 187.2 feet, City datum. Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment and chimneys exceeding such elevation, when approved as conditional uses. For the purpose of this subsection, City datum zero (0.00) feet shall be established as 845.6 feet above sea level as established by the United States Coast and Geodetic Survey.

37. Provide electric vehicle stalls per Section 28.141(8)(e) Electric Vehicle Charging Station Requirements. A minimum of 10% of the parking stalls (15 stalls) must be electric vehicle ready, and a minimum of 1% of the stalls (1 stall) must be electric vehicle installed. Identify the locations of the electric vehicle ready and installed stalls on the plans and add the count of stalls to the Overall Parking Schedule.

38. Bicycle parking for the development shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11) and will be reviewed prior to obtaining zoning approval for each use. Provide a minimum of 26 short-term bicycle parking stalls for the hotel. A food and beverage use such as a restaurant or restaurant- tavern will require an amount of bicycle parking equal to 5% of capacity of persons. Bicycle parking shall be located in a convenient and visible area on a paved or pervious

surface and shall be located at least as close as the closest non-accessible automobile parking and within 100 feet of a principal entrance.

39. Update the Overall Parking Schedule to include bicycle parking and the existing parking garage stalls.

40. Seed or sod the existing gravel surface located east of the proposed hotel building.

41. Provide details demonstrating compliance with bird-safe glass requirements Section 28.129. For building façades where the first 60 feet from grade are comprised of greater than or equal to 50% glass, at least 85% of the glass must be treated. All glass within 15 feet of a building corner must be treated when see through or fly through conditions exist. For building façades where the first 60 feet from grade are comprised of less than 50% glass, at least 85% of the glass on glass areas 50 square feet or over must be treated. Of all glass areas over 50 square feet, any glass within 15 feet of a building corner must be treated. Identify which glass areas are 50 square feet or greater and which glass areas will be treated. Provide a detail of the specific treatment that will be used.

42. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

43. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes and MGO Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Please contact Matt Hamilton of the Madison Fire Department at (608) 266-4457 if you have any questions regarding the following five (5) items:

44. Interior exit stairs shall lead directly to the exterior of the building or extended with an exit passageway. Stair #2 does not meet this requirement.

45. Provide fire service access elevators.

46. Provide access to stair #1 from the fire service access elevator lobby.

47. The means of egress system serving any story or occupied roof shall be provided with the number of separate and distinct exits or access to exits based on the aggregate occupant load.

48. Coordinate fire alarm, fire sprinkler, standpipes, etc. with the existing parking garage, this addition, and future phases to operate as a single building with multiple addresses.

Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following four (4) items:

49. This property is in a Wellhead Protection District–Zone (WP-24). The owner/applicant shall provide the Madison Water Utility with confirmation that no hazardous and/or toxic materials will be stored on site, and that all proposed uses of this site comply with the City of Madison Wellhead Protection

Ordinance. Any future change in use for this property will require review by the Madison Water Utility General Manager or his designated representative. Contact Sarah Scroggins at Sscroggins@madisonwater.org for additional information, including a summary of the submittal requirements.

50. Any outstanding water main assessments or water main connection charges shall be paid by the developer prior to connecting to the existing water distribution system. Contact Adam Wiederhoeft of Madison Water Utility (awiederhoeft@madisonwater.org or (608) 266-9121) to determine if outstanding fees exist for the subject parcels.

51. The utility plan indicates connecting to an existing two-inch copper service. The existing eight-inch service to this lot is approximately 65 feet northeast. Update the site utility plan if the eight-inch is the intended service to be used.

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

Please contact Tim Sobota of Metro Transit at (608) 261-4289 if you have any questions regarding the following item:

53. The applicant shall maintain or replace the concrete passenger boarding pad and bench seating amenity at the existing Metro bus stop on the south side of E Washington Avenue, east of S Paterson Street (#1565) that was a conditional of approval for the Hotel Indigo project. The applicant shall include the location of these facilities on the final documents filed with their permit application, so that Metro Transit may review and effectively plan for City transit access to this property.

Please contact Bradley Hofmann of the Forestry Section at (608) 267-4908 if you have any questions regarding the following eleven (11) items:

54. The developer shall submit a Street Tree Report performed by International Society of Arboriculture Certified Arborist for City Forestry's review of project. This report shall identify all street trees on proposed project site, species type, canopy spread, tree condition, proposed tree removals, the impacts of proposed construction, and any requested pruning.

55. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

56. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan

Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include the notification of the Alderperson within whose district is affected by the street tree removal(s) prior to a tree removal permit being issued. Add as a note on the plan set.

57. City Forestry will issue a street tree removal permit for two trees: 5-inch hackberry and pear due to utility excavation. The contractor shall contact City Forestry at (608)266-4816 to obtain permit. Add as a note on both the demolition and street tree plan set.

58. The contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. The contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street trees (either above or belowground) shall be reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.

59. As defined by the Section 107.13 of the *City of Madison Standard Specifications for Public Works Construction*: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the contractor shall contact City Forestry (266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior to work commencing. Add as a note on both the site and street tree plan sets.

60. Section 107.13(g) of the *City of Madison Standard Specifications for Public Works Construction* addresses soil compaction near street trees and shall be followed by the contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on both the site and street tree plan sets.

61. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend at least 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on both the site and street tree plan sets.

62. Street tree pruning shall be coordinated with City Forestry at a minimum of two weeks prior to the start of construction for this project. Contact City Forestry at (608)266-4816. All pruning shall follow the American National Standards Institute (ANSI) A300 - Part 1 Standards for pruning. Add as a note on both the site and street plan sets.

63. The developer shall post a security deposit prior to the start of the development to be collected by City Engineering as part of the Developer's Agreement. In the event that street trees are damaged during the construction process, City Forestry will draw from this deposit for damages incurred.

64. Additional street trees are needed for this project. Tree planting specifications can be found in Section 209 of the *City of Madison Standard Specifications for Public Works Construction*. All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan (in PDF format) shall be submitted City Forestry for approval of planting locations and

tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note to plan: "At least one week prior to street tree planting, the contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper."

Please contact Trent W. Schultz of the Parking Division at (608) 246-5806 if you have any questions regarding the following item:

65. The applicant shall receive approval of a Transportation Demand Management (TDM) Plan. A TDM Plan is required per MGO Section 16.03. Applicable fees can be processed after the project is approved by the Urban Design Commission, Plan Commission, and plans are resubmitted to staff for final sign off.

Please contact my office at (608) 261-9632 if you have questions about the following item:

66. That Sheet C102 be revised to include a setback dimension from the easterly wall of the hotel to the eastern property line of the site adjacent to the credit union parcel at 949 E Washington Avenue.

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

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

1. The applicant shall resubmit a PDF copy of the plan set and any other supporting materials that are necessary, as specified in this letter to **sprapplications@cityofmadison.com**. (Note: A 20MB email limit applies and multiple transmittals may be required.). A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.

2. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.

3. This letter shall be signed by the applicant and property owner (if not the applicant) to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting building permit approval. [Signature block on last page]

4. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the conditional use standards. This approval shall become null and void two (2) years after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within 6 months of the issuance of said building permit. Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation

with the Alderperson of the District, approve an extension for up to 12 months from the expiration date. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at (608) 261-9632 or tparks@cityofmadison.com.

Sincerely,

Timothy M Parks

Timothy M. Parks
Planner

cc: Brenda Stanley, City Engineering Division
Jeff Quamme, City Engineering Division
Sean Malloy, Traffic Engineering Division
Jenny Kirchgatter, Asst. Zoning Administrator
Bill Sullivan, Madison Fire Department
Bradley Hofmann, Forestry Section
Jeff Belshaw, Madison Water Utility
Tim Sobota, Metro Transit
Jessica Vaughn, Urban Design Commission

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

_____
Signature of Applicant

_____
Signature of Property Owner
(If Not Applicant)

LNDUSE-2023-00092			
For Official Use Only, Re: Final Plan Routing			
☒	Planning Div. (T. Parks)	☒	Engineering Mapping Sec.
☒	Zoning Administrator	☐	Parks Division
☒	City Engineering	☒	Urban Design Commission
☒	Traffic Engineering	☐	Recycling Coor. (R&R)
☒	Fire Department	☒	Other: Metro Transit
☒	Water Utility	☒	Other: Forestry Section