



PREPARED FOR THE PLAN COMMISSION

Project Address: 4802-4824 Tradewinds Parkway (District 16 – Ald. DeMarb)

Application Type: Rezoning and Conditional Use

Legistar File ID #: [41557](#) & [41399](#)

Prepared By: Christopher Wells, Planning Division

Requested Action: Approval to rezone 4824 Tradewinds Parkway from the Industrial Limited (IL) District to the Suburban Employment (SE) District as well as approval of an alteration to a conditional use to allow construction of an addition to an existing hotel at 4802-4824 Tradewinds Parkway.

Addendum

On February 24, 2016, the applicant gave presentation to that evening’s Urban Design Commission meeting. During the discussion, the Commission requested the landscape plan be wholly revised. The applicant will need to gain approval from both the Commission as well as the Planning Division before final sign off.

Additionally, Planning Division staff looked more closely at original Tradewinds Business Centre Plat (of which both of the subject parcels were a result of). The fact that both of the parcels abut the Beltline Highway (US Highway 12 & 18) means that their development must comply with State Statute Trans 233.105(1) which deals with noise related to the division of land abutting a state trunk highway. Trans 233.105(1) states: *"The lots of this land division may experience noise at levels exceeding the levels in s. [Trans 405.04](#), Table I. These levels are based on federal standards. The department of transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase by the department to the highway's through-lane capacity."*

State Statute Trans 233.105(1) is enforced locally via M.G.O. Sec. 16.23(3)(d). With particular relevance to the subject proposal, Sec. 16.23(3)(d)(2)(c) states: *"Construction otherwise prohibited shall be allowed if there are no outdoor use areas on the site of the proposed structure projected to be exposed to an hourly traffic sound level, Leq(h), equal to or in excess of 67 dBA and provided that there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum interior hourly traffic induced sound level, Leq(h), in a habitable room to 52 dBA upon completion of the structure or modification, or anytime thereafter."* As a result, the proposed hotel addition and any associated outdoor recreational areas shall make sure that it meets the necessary noise abatement thresholds in order to comply with MGO Sec. 16.23(3)(d).

Related to the subject parcels’ location abutting the Beltline Highway (US Highway 12 & 18), means that they will also need to comply with Trans 233.08 which deals with setback requirements and restrictions from State Highways. It states: *"No improvements or structures are allowed between the right-of-way line and the (50-foot) highway setback line. Improvements and structures include, but are not limited to, signs, parking areas, driveways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department."* As a result, the two hotel signs along the northern edge of the two subject sites (one existing and the other proposed) will need to be removed.

Note: these standards were also applied when the original hotel was approved in 2008.

Recommendation

Planning Division Recommendation (Contact Christopher Wells, 261-9135)

The Planning Division recommends that UDC find that the standards for Urban Design District #1 are met and **approve** the proposed development. The Planning Division further recommends that Plan Commission find that the standards for zoning map amendments are met and forward Substitute Zoning Map Amendment 00221 rezoning 4824 Tradewinds Parkway from the Industrial Limited (IL) District to the Suburban Employment (SE) District to the Common Council with a recommendation of **approval**. The Planning Division finally recommends that Plan Commission find that the conditional use standards are met and **approve** the conditional use to add an addition to an existing hotel facility. These recommendations are subject to input at the public hearing, the conditions of approval in the (attached) Revised March 2, 2016 staff report, and the following additional conditions recommended by the Planning Division:

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Christopher Wells, 261-9135)

1. That the applicant shall revise the landscape plan per the feedback from the February 24, 2016 Urban Design Commission meeting. They will need to gain final approval from the Urban Design Commission and Planning Division before final sign off.
2. That the applicant submit a highway noise abatement study for review and approval by the Planning Division and Traffic Engineering Division that indicates the present and 20-year future highway-induced noise levels resulting from the Beltline Highway (US 12 & 18) on the subject site. If the study indicates that current or projected noise levels will exceed 67 decibels for any outdoor recreational facilities related to the hotel, the applicant shall submit an abatement plan that specifies how those areas will comply with the maximum noise levels permitted in Wisconsin Administrative Code Chapter 405. The Planning Division shall approve the noise abatement plan and any improvements related thereto.
3. That a note be placed on the final plans certifying that the highway traffic-induced interior noise levels in all parts of the proposed hotel will not exceed 52 decibels. (Trans 233.105)
4. Any signs within the fifty (50) ft highway setback line shall be removed in order to comply with the note on the face of the Tradewinds Business Centre Plat which reads: "No improvements or structures are allowed between the right-of-way line and the highway setback line. Improvements and structures include, but are not limited to, signs, parking areas, driveways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department." (Trans 233.08)