



Project Address: 5130 High Crossing Boulevard (17th Aldermanic District – Ald. Baldeh)

Application Type: Conditional Use

Legistar File ID # [57319](#)

Prepared By: Chris Wells, Planning Division
Report includes comments from other City agencies, as noted.

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Luke Stauffacher; Cascade Development; 5150 High Crossing Boulevard; Madison, WI 53718

Contact: Greg Held; Knothe & Bruce Architects; 7601 University Avenue, Suite 201; Middleton, WI 53562

Requested Actions: The applicant requests approval of a two conditional uses – 1) for a building containing an individual establishment exceeding 25,000 square-feet floor area in the Commercial Center (CC) District; and 2) for a planned multi-use site containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use or for hotel or motel use – in order to construct a four-story, 95-room hotel.

Proposal Summary: The applicant proposes to construct a 95-room hotel on the site which is largely vacant. The site is also part of a larger, planned multi-use site which also includes an existing hotel.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [Section 28.183], Planned Multi-Use Sites [Section 28.137], and the Commercial Center (CC) District [Section 28.068].

Review Required By: Urban Design Commission (UDC) and Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** both of the requested conditional uses to allow the construction of a four-story, 95-room hotel at 5130 High Crossing Boulevard. This request is subject to input at the public hearing and the comments and conditions recommended by reviewing agencies, beginning on Page 4 of this report.

Background Information

Parcel Location: The subject site is an 89,965-square-foot (2.1-acre) site on High Crossing Boulevard, adjacent to Interstates 90-94 and 39. The site is located within Aldermanic District 17 (Ald. Baldeh) and the limits of the Sun Prairie School District.

Existing Conditions and Land Use: The subject site is cross-connected with the site to the northeast, which contains a hotel. The surface parking for these two sites is generally located along the shared property line and the two lots share a single access point from High Crossing Boulevard. Otherwise, the subject site is undeveloped.

Surrounding Land Use and Zoning:

North: A currently vacant movie theater, zoned CC (Commercial Center);

South: Across High Crossing Boulevard is Interstate 39-90 and 94;

East: A 5-story office building, zoned SE (Suburban Employment District); and

West: Interstate 39-90, and 94.

Adopted Land Use Plan: The [Comprehensive Plan](#) recommends “general commercial” uses for this site. The 2017 [Nelson Neighborhood Development Plan](#) provides a similar recommendation of “commercial/ retail services” for this property.

Zoning Summary: The property is zoned CC (Commercial Center District).

Requirements	Required	Proposed
Front Yard Setback	85' maximum	29.23'
Side Yard Setback	Two-story or higher: 6'	Adequate
Rear Yard Setback: For corner lots where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback: 6'	Adequate
Maximum Lot Coverage	85%	Less than 85% <i>(See Comment #31)</i>
Maximum Building Height	5 stories/ 68'	4 stories/ 45' <i>(See Comment #8)</i>

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	106 (164 total stalls existing and proposed) <i>(See Comment #32)</i>
Accessible Stalls	Yes	5 <i>(See Comment #32)</i>
Loading	1 (10' x 50')	Loading zone <i>(See Comment #33)</i>
Number Bike Parking Stalls	Hotel: 1 per 10 bedrooms (9)	10
Landscaping and Screening	Yes	Yes <i>(See Comments #34 & #35)</i>
Lighting	Yes	Yes
Building Forms	Yes	Flex building <i>(See Comment #36)</i>

Other Critical Zoning Items:	Urban Design (Planned Multi-Use Site); Barrier Free (ILHR 69); Utility Easements
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services.

Project Description, Analysis, and Conclusion

The applicant requests approval of a two conditional uses – 1) for a building containing an individual establishment exceeding 25,000 square-feet floor area in the Commercial Center (CC) District; and 2) for a planned multi-use site containing more than 40,000 square-feet of floor area and where 25,000 square-feet of floor area is designed or intended for retail use or for hotel or motel use – in order to construct a four-story, 95-room hotel. These requests are subject to the standards for Conditional Uses [Section 28.183], Planned Multi-Use Sites [Section 28.137], and the Commercial Center (CC) District [Section 28.068].

The proposed structure is a four-story, 95-room hotel, which will be oriented parallel to Interstate 39-90 and 94 and perpendicular to High Crossing Boulevard. The main entrance is located at the building's southeast corner, adjacent the proposed loading zone.

The subject site is proposed to function as a coordinated "Planned Multi-Use Site" with the neighboring site to the northeast, at 5150 High Crossing Boulevard (which contains a 106-room hotel). (The Zoning Code requires that such approvals include a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer, and the Director of Planning and Community and Economic Development before final sign off). The two hotels will share the single access point from High Crossing Boulevard as well as the surface automobile parking stalls located between the two hotels and along the common property line. There are currently 55 stalls on the 5150 site (along with 38 under-building stalls) and 70 on the subject site. With this proposal, the applicant plans to add another 36 stalls on the subject site for a total of 202 stalls across the two sites. With 201 hotel rooms between the two hotels, this works out to a ratio of 1.0 stalls per hotel room.

The proposed hotel will be clad with a combination of brick (primarily cladding the ground floor), and cream-colored composite panels. Bright red composite paneling will clad the stairwells, resulting in strong vertical elements and accents. A dark grey composite paneling will be employed above the cream colored paneling to produce a visual cornice line. The HVAC units for each of the rooms will be clad with horizontal louvers colored dark grey/black to match the rest of the building's color palette.

As for landscaping, deciduous trees such as New Horizon Elms, Honeylocust, and Autumn Blaze Maple along with shrubs and grasses will be planted in the parking lot tree islands while Eastern Redbud, White Oaks, Black Hill Spruce, Black Smokebush and Reed Grass will be planted along the southern property line. Finally, shrubs such as Arrowwood Viburnum and Honeysuckle will be planted along the building's foundation.

Staff note that the subject site is adjacent to Interstate 39-90 and 94. As such, MGO Section 16.23(4)(d) requires that buildings on this site include sound attenuation measures so that interior hourly traffic-induced sound is at or below 52 dBA (decibels A-weighted). Any outdoor recreation areas – including patios – shall also include sound attenuation measures so the exterior hourly traffic sound level is at or below 67 dBA.

As outlined by MGO Section 28.137(2)(e), *"A planned multi-use site containing more than forty thousand (40,000) square feet of floor area and where twenty-five thousand (25,000) square feet of floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval following a recommendation on the design of any specific proposal by the Urban Design Commission."*

In regards to the Conditional Use Approval Standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state law requires that conditional use findings must be based on "substantial evidence" that directly pertains to each standard and not based on personal preference or speculation.

The Urban Design Commission (UDC) reviewed this request on an informational basis at their July 17, 2019 meeting. At their October 16, 2019 meeting, the Commission gave the project a recommendation of final approval with the following conditions of approval:

- Look at replacing the seed lawn shown in some areas with sod.
- Double the Spirea groupings in the tree islands.

The Planning Division believes that this request is consistent with the [Comprehensive Plan](#) and [Nelson Neighborhood Development Plan](#), which both recommend general commercial uses for the subject site. Staff also believe the proposed site design is compatible with the surrounding development pattern and believe the conditional use standards can be found met given the supply of shared parking stalls proposed across the two lots and the Urban Design's Commission recommendation of final approval with no major conditions.

At the time of report writing, staff was not aware of any concerns on this proposal.

Recommendation

Planning Division Recommendations (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** both of the requested conditional uses to allow the construction of a four-story, 95-room hotel at 5130 High Crossing Boulevard. This request is subject to input at the public hearing and the following comments and conditions recommended by reviewing agencies:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Chris Wells, (608) 261-9135)

1. That prior to final sign-off and approval of this Conditional Use the applicant shall provide the required highway noise information and certifications as required by 16.23 Madison General Ordinances.

Urban Design Commission (Contact Janine Glaeser, (608) 267-8740)

2. Look at replacing the seed lawn shown in some areas with sod.
3. Double the Spirea groupings in the tree islands.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

4. This development ultimately discharges to lands controlled by WDOT, the applicant shall provide proof of approval by the WDOT for new stormwater discharge to their property.
5. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
6. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
7. A Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.

8. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
9. This site appears to disturb over one (1) acre of land and requires a permit from the WDNR for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR216 and NR-151 however a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line: <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm>.

The applicant is notified that the City of Madison is an approved agent of the Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or CARPC is required for this project to proceed.

10. 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. (POLICY)
11. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
12. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit an 11" x 17" 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.

Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>.

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, Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit. (POLICY)

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 City Engineering 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.

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

13. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.

The Storm Water Management Plan & Report shall include compliance with the following:

Report: Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Electronic Data Files: Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. If calculations are done by hand or are not available electronically, the hand copies or printed output shall be scanned to a PDF file and provided to City Engineering. (POLICY and MGO 37.09(2))

Rate Control: Detain the 2, 10, & 100 -year storm events, matching post development rates to predevelopment rates and using the design storms identified in Madison General Ordinances Chapter 37.

Infiltration: Provide infiltration of 90% of the pre-development infiltration volume.

TSS New Development: Reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.

Oil/Grease Control: Treat the first 1/2 inch of runoff over the proposed parking facility and/or drive up window.

Volume Control: Provide onsite volumetric control limiting the post construction volumetric discharge to the predevelopment discharge volume as calculated using the 10-year storm event.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

14. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
15. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

City Engineering Division – Mapping Section (Contact Jeff Quamme, (608) 266-4097)

16. The parking configuration is changing from the original site plan. The Cross Easement Agreement shall be amended by replacing Exhibit C with an up to date site plan and a recorded copy provided prior to final site plan sign off.
17. Provide the recorded amendment to the private water main easement as set forth by CSM 14019 prior to site plan sign off.

18. There is an Electric Transmission line easement over the westerly portion of the site per Document No 1739825 and assigned to ATC per Document No. 3283453. The easement requires written consent from ATC prior to changing grade or constructing improvements within the easement. Applicant shall provide a copy of the consent for the proposed construction within the easement prior to final sign off.
19. Submit a Floor Plan in PDF format to Lori Zenchenko (lzenchenko@cityofmadison.com) that includes a floor plan for each floor on a separate sheet for the development of a complete hotel room number 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 application submittal for the final Site Plan Approval with Zoning. The approved Addressing Plan shall be included in the final application.

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. The final revised Addressing Plan shall be submitted by the applicant to Zoning to be attached to the final filed approved site plans.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

20. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; 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.
21. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
22. 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.
23. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
24. All bicycle parking adjacent pedestrian walkways shall have a 2-foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
25. 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 City Traffic Engineering.

26. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alteration necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
27. The applicant shall provide a clearly defined 5' 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.
28. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
29. Developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

Zoning Administrator (Contact Jenny Kirchgatter, (608) 266-4429)

30. This project is designed as a planned multi-use site. Per Section 28.137(2)(a), a planned multi-use site shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
31. Provide a calculation and plan detail for lot coverage for the entire planned multi use site including 5150 High Crossing Blvd with the final submittal. The lot coverage maximum is 85%. Lot coverage is defined as the total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.
32. Provide an updated parking summary for the planned multi-use site including the total number of vehicle stalls and accessible stalls on both properties at 5130 and 5150 High Crossing Blvd.
33. Show the dimensions of the loading zone on the site plan. The loading area shall be a minimum of 10' x 50'. The loading area shall be exclusive of drive aisle and maneuvering space.
34. Submit an overall landscape plan for both 5130 and 5150 High Crossing Blvd showing the previously approved landscaping as well as the proposed new landscaping. The landscape plan and landscape worksheet shall be stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
35. Provide a landscape island within the row of fifteen (15) parking stalls abutting the west side of the hotel. A planting island shall be located at least every twelve (12) contiguous stalls with no break.

36. Provide details showing that the primary street façade meets the door and window opening requirements of Section 28.060(2)(d). For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade.
37. Show the building height on the building elevations.
38. 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.
39. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

The agency reviewed this request and has recommended no conditions of approval.

Parks Division (Contact Kathleen Kane, (608) 261-9671)

The agency reviewed this request and has recommended no conditions of approval.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

40. 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/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. 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 Madison Water Utility at (608) 266-4646.

Forestry Division (Contact Brad Hofmann, (608) 267-4908)

41. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.

42. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

43. The proposed development does not show an accessible pedestrian connection to existing Metro Transit bus service or the public sidewalk network that only exists on the south side of High Crossing Boulevard. The existing segment of public sidewalk that is adjacent this parcel, and the adjoining hotel parcel on the north side of High Crossing Boulevard, does not connect to an accessible curb ramp or crosswalk location at either the west end of proposed development parcel (opposite signalized intersection at Interstate off-ramp), or towards the east (onto the vacant theater property, that is opposite the signalized intersection of Crossroads Drive).

44. Under Federal Transit Administration regulations of the American's with Disabilities Act, Metro Transit and the City of Madison must provide higher-cost paratransit service to individuals, in cases where their mobility conditions require an accessible connection between what are otherwise accessible public bus stop locations and a destination that is not fully accessible for travel by pedestrians.

45. Metro Transit currently operates daily transit service along High Crossing Boulevard and Crossroads Drive. Bus stop ID #9118 is on the west side of Crossroads Drive, south of High Crossing Boulevard, and meets ADA accessible standards. Bus Stop ID #9264 is on the north side of High Crossing Boulevard, west of Crossroads Drive, but does not currently meet ADA standards for accessibility due to the lack of public sidewalk and curb ramps.