



Report to the Plan Commission

May 7, 2012

Legistar I.D. #26217
454 W. Johnson Street
& 437 W. Gorham Street
PUD-SIP Alterations

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of minor alterations to the approved planned unit development-specific implementation plans for the proposed Hampton Inn & Suites Hotel at 454 W. Johnson Street and the existing Aberdeen Apartments at 437 W. Gorham Street to allow a shared private drive through the two properties to be eliminated.

Applicable Regulations & Standards: Section 28.07 (6)(9)4.d. provides the Plan Commission with the authority to approve alterations to planned unit developments if the changes are compatible with the plans approved by the Common Council.

Summary Recommendation: The Planning Division recommends that the Plan Commission **approve** minor alterations to the approved PUD-SIPs for 454 W. Johnson Street and 437 W. Gorham Street to allow a shared private drive through the two properties to be eliminated, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 3 of this report.

Background Information

Applicants & Property Owners: Wayne Dishaw, Aberdeen, LLC; 2344 Hidden Meadows Drive; Sun Prairie, owner of 437 W. Gorham Street, and;

Jeff Kraemer, Raymond Management Company (dba Bassett Johnson, LLC); 8333 Greenway Boulevard, Suite 200; Middleton, owner of 454 W. Johnson Street.

Existing Conditions & Parcel Location: The Aberdeen is a 12-story, 77-unit apartment building located at the southeasterly corner of W. Gorham Street and N. Bassett Street, which also contains X square feet of first floor retail space and 23 underground parking stalls. The future hotel site is located immediately to the south of the apartment building at the northeasterly corner of W. Johnson Street and N. Bassett Street. That site is currently occupied by an existing one-story multi-tenant commercial building at 454 W. Johnson Street and four multi-family residential buildings at 434-444 W. Johnson Street. The developer of the hotel proposes to demolish the 5 existing buildings and construct a ten-story, 194-room hotel with approximately 3,300 square feet of first floor retail space. Construction of the hotel is scheduled to commence within the next 30-60 days. Both properties are located in Downtown Design Zone 2, Aldermanic District 4 (Verveer), and the Madison Metropolitan School District.

Summary Proposal: Both planned unit developments were approved with a requirement that a shared private drive be created between the two properties to accommodate the loading and drop-off needs of the two projects internally while reducing impacts from those projects on W. Gorham, W. Johnson and N. Bassett streets. The property owners are seeking to eliminate this cross connection.

Surrounding Land Use and Zoning:

North: Undeveloped surface parking lot on the north side of W. Gorham Street and University Avenue, zoned PUD-SIP;

South: Single-, two- and multi-family residences in 2-3 story frame residential structures and the six-story 445 W. Johnson Street Apartments east of N. Bassett Street, zoned R6 (General Residence District) and C2 (General Commercial District); six-unit apartment building, laundromat and two-story office building on west side of Bassett south of W. Johnson Street, zoned C2;

West: La Ciel and Embassy high-rise apartment buildings along University Avenue, zoned PUD-SIP; two- and multi-family residences in 2-3 story frame residential structures and the Saxony Apartments located along Conklin Place and W. Johnson Street, zoned R6;

East: Equinox and La Ville high-rise apartment buildings, zoned PUD-SIP; eight-story Johnson House apartments, zoned R6.

Adopted Land Use Plan: The Comprehensive Plan identifies the subject sites within the Student High-Rise Downtown Residential Sub-district, which primarily recommends development of multi-family housing at densities greater than 60 units an acre in 8-10 story high-rise structures, with potential for 2 bonus stories. Mixed-use buildings with first floor commercial space and residential uses above are also recommended in this sub-district.

Environmental Corridor Status: The properties are not located within a mapped environmental corridor.

Public Utilities and Services: This properties are served by a full range of urban services.

Zoning Summary: The subject sites are zoned PUD-SIP; the request will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Utility Easements, Barrier Free
No:	Urban Design, Landmarks, Floodplain, Wellhead Protection, Waterfront Development
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>	

Previous Approvals

On April 8, 2003, the Common Council approved a request to rezone 437 W. Gorham Street from C2 (General Commercial District) to PUD-GDP-SIP to allow construction of the twelve-story Aberdeen Apartments with 77 units and approximately 900 square feet of first floor retail space.

On June 7, 2011 meeting, the Common Council approved a request to rezone 434-454 W. Johnson Street from R6 (General Residence District) and C2 (General Commercial District) to PUD-GDP-SIP to allow construction of a ten-story, 194-room Hampton Inn & Suites Hotel with approximately 3,300 square feet of first floor retail space following demolition of 5 existing buildings.

Project Review

The property owners, Aberdeen, LLC, owner of the Aberdeen Apartments at 437 W. Gorham Street, and Raymond Management Company, owner of 454 W. Johnson Street, are jointly requesting approval

of alterations to their respective specific implementation plans to allow a shared private drive generally paralleling N. Bassett Street along the easterly edges of the two properties to be eliminated.

The shared drive through the two properties was first required by the City Traffic Engineer as a condition of approval for the Aberdeen Planned Unit Development when that project was approved in 2003. The condition acknowledged that the Aberdeen developer agreed to grant an ingress/egress easement with the adjacent property owner to create a private "traffic corridor" to accommodate future land uses. The connection was secured through a private driveway cross easement recorded against the future hotel site and Aberdeen property prior to the issuance of building permits for the apartment project. The through-block connection requirement between the sites was intended to accommodate the loading and drop-off needs of the two projects internally while reducing extemporaneous vehicle trips and traffic impacts from truck and bus loading on W. Gorham, W. Johnson and N. Bassett streets. The easement (attached; note: the hotel site is the "Hound Dog, LLC" parcel referred to in the easement) requires the completion of the through-block connection as part of the redevelopment of the property now owned by Raymond Management/ Bassett Johnson, LLC.

The Aberdeen development was constructed with its portion of the shared private drive, while the future Hampton Inn & Suites Hotel project was approved with its portion of the drive connection shown. However, the joint PUD-SIP alteration request states that the future operation of the shared drive after construction of the hotel was a concern of both property owners. In particular, the principals of Aberdeen, LLC petitioned the City on a number of occasions to relieve the requirement for the shared access with the hotel, citing concerns about vehicle clearance beneath the two buildings under which a portion of the drive would pass, cut-through traffic, and pedestrian safety, among others.

Given that the condition to require the shared ingress/egress easement was a condition of approval for the Aberdeen Apartments and was understood to be a requirement of the redevelopment of the future hotel site, staff did not believe that a PUD-SIP alteration request to eliminate of the cross connection between the properties could be approved at the administrative level and instead recommended that the property owners present their request to the Plan Commission. Section 28.07 (6)(9)4.d of the Zoning Code provides the Plan Commission with the authority to approve alterations to planned unit developments if the changes are compatible with the plans approved by the Common Council.

Planning staff believes that the Plan Commission can find the planned unit development standards met to approve the requested alterations eliminating the private cross connection between the existing Aberdeen Apartments and future Hampton Inn & Suites Hotel. No other changes to the two planned unit developments are proposed at this time, and staff believes that the projects will still be generally compatible with the plans approved by the Common Council if the proposed alterations are approved. Regarding transportation-related impacts caused by the alteration requests, Bryan Walker of the Traffic Engineering Division provided the following comment for the Plan Commission's consideration:

"The modification to the easement and subsequent truck access plan has been agreed upon by both property owners and City Traffic Engineering staff. The applicant has demonstrated that truck deliveries [for the hotel] can be accommodated using the revised access."

Staff Recommendations, Conditions of Approval & General Ordinance Requirements

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission **approve** minor alterations to the approved PUD-SIP for the existing Aberdeen Apartments at 437 W. Gorham Street and the future Hampton Inn & Suites Hotel at 454 W. Johnson Street to allow a shared private drive through the two properties to be eliminated, subject to input at the public hearing, the following Planning Division condition, and the conditions from reviewing agencies:

1. That the final form of the Easement Modification and Termination Agreement affecting the subject properties be approved by the Planning Division, and that said agreement be executed and recorded prior to final approval and recording of the PUD-SIP for the hotel at 434-454 W. Johnson Street. No permits for demolition or new construction for the hotel project may be issued until the final agreement and PUD zoning for the hotel have been recorded.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

2. The applicant for the hotel shall comply with all City Engineering Division conditions of the Planning Division June 10, 2011 conditional approval letter of the demolition permit and PUD rezoning.
3. Safe overflow paths for runoff shall be documented showing that the building is not flooded when the storm sewer reaches pipe capacity.
4. Monitoring wells associated with Wisconsin Department of Natural Resources BRRTS #0313001684 shall be properly abandoned per NR141, as required when closure was granted. Contact Brynn Bemis at 267-1986 with any questions regarding this requirement.
5. The site plans shall be revised to show the location of all rain gutter down spout discharges.
6. The applicant shall show stormwater "overflow" paths that will safely route runoff when the storm sewer is at capacity.
7. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
8. For commercial sites with less than 1 acre in disturbance, the City of Madison is an approved agent of the Department of Commerce and Wisconsin Department of Natural Resources (WDNR). As this project is on a site with disturbance area less than 1 acre, and contains a commercial building, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
9. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to control 40% TSS (20 micron particle) off of new paved surfaces and complete an erosion control plan and complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website as required by Chapter 37 of the Madison General Ordinances.

10. The applicant shall submit, prior to plan signoff, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas lot lines; lot/ plat lines, dimensions and labels; right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
11. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
12. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. 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.
13. Prior to approval of the issuance of a demolition permit, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged, the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.
14. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior City Engineering Division signoff, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering signoff.

Traffic Engineering Division (Contact John Leach, 267-8755)

This agency submitted a response with no additional comments or conditions for this request.

Zoning Administrator (Contact Pat Anderson, 266-5978)

This agency did not submit comments for this request.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency submitted a response with no conditions of approval for this request.