



Report to the Plan Commission

March 22, 2010

Legistar I.D. #15955 & 17311
666 Wisconsin Ave. and a Portion of
2 E. Gilman Street – Edgewater Hotel
PUD Rezoning & Conditional Use

Staff Report Prepared By:
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Requested Actions: [Substitute] Approval of a request to rezone 666 Wisconsin Avenue and a portion of 2 E. Gilman Street from R6H (General Residence District) and HIST-MH OR (Mansion Hill Historic District/Office Residence District) to Planned Unit Development-General Development Plan-Specific Implementation Plan (PUD-GDP-SIP) and approval of a conditional use for waterfront development to allow the redevelopment and expansion of the existing Edgewater Hotel to a 190-room hotel and the construction of a parking garage.

The Plan Commission is also required to make a recommendation to the Common Council on ID 17101, which amends the 1965 ordinance vacating a portion of the Wisconsin Avenue right of way on which the 1972 addition to the Edgewater Hotel was constructed.

Previous Hearing: On February 8, 2010, the Plan Commission recessed the public hearing and referred an earlier version of the subject zoning map amendment and conditional use to the February 22, 2010 hearing pending a recommendation from the Urban Design Commission regarding the proposed redevelopment project. Because the February 8 hearing on the project was recessed, those who spoke on the project would not have been allowed to testify again but only be allowed to answer questions from Plan Commission members.

However, the project now being considered is both a revised and expanded zoning map amendment and conditional use request and therefore requires a new public hearing. The Plan Commission should first close the February 8, 2010 public hearing and then move to open a new public hearing. All speakers who spoke previously shall be allowed to testify anew on the project.

Prior to referring the project on February 8, members of the Plan Commission requested that the applicant provide the following information prior to the next hearing on the Edgewater Hotel project:

1. information regarding tree cutting;
2. a Transportation Demand Management Plan;
3. a shadow study showing the shade conditions created by the proposed development at 5:00 p.m. in the spring and fall and 7:00 p.m. in the summer;
4. details on truck maneuvering;
5. a draft management agreement for the plaza and lake access;
6. additional information from the Wisconsin Dept. of Natural Resources regarding approval of the proposed pier modifications, and;
7. revised materials (prepared by the applicant) clarifying the waterfront development setback.

The applicant has provided materials intended to address items 1-4 of the above list, but indicates that a draft management agreement for the plaza and lake access is still being discussed with the City Attorney's Office. They indicate that the proposed pier modifications have been taken off the project plans for the time being, though they have discussed the project with Wisconsin Department of Natural Resources staff. A zoning text amendment approved by the Common Council on February 23, 2010 changing how the waterfront development setback is calculated for additions, expansions or alterations to existing non-residential building eliminates the need for the new hotel tower to receive a waterfront development setback variance prior to the project proceeding. As a result, no setback information was needed.

Applicable Regulations & Standards: Section 28.12 (9) provides the process for zoning map amendments; Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Developments; Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses; Section 28.04 (19) provides the standards for waterfront development.

Summary Recommendation: If the Plan Commission can find the standards for approval for zoning map amendments and planned unit developments met and the proposed rezoning consistent with the Comprehensive Plan, the Planning Division recommends that it forward [Substitute] Zoning Map Amendment ID 3453 & 3454, rezoning 666 Wisconsin Avenue and a portion of 2 E. Gilman Street from R6H (General Residence District) and HIST-MH OR (Mansion Hill Historic District/Office Residence District) to PUD-GDP-SIP (ID 15955), with a recommendation of approval.

If the Plan Commission also finds that the conditional use and waterfront development standards are met for the Edgewater Hotel redevelopment, it should approve the conditional use. Plan Commission actions in the affirmative of both the planned unit development zoning and conditional use shall be subject to the Planning Division conditions and conditions from reviewing agencies that follow in the next section.

Should the Commission find the applicable standards *not* met for the Edgewater Hotel redevelopment project, it should cite for the record which specific standards are not met and refer both the planned unit development and conditional use applications with directions to the developer regarding the specific changes the Commission believes are needed in order for the for the standards to be met or recommend that the applications be placed on file.

The Plan Commission should make a corresponding recommendation to the Common Council on Legislative File ID 17101 amending the 1965 ordinance vacating Wisconsin Avenue.

Background Information

Applicant: Robert P. Dunn, Landmark X, LLC; 22 E. Mifflin Street, Suite 800; Madison.

Agent/ Contact: Amy Supple, Hammes Company; 22 E. Mifflin Street, Suite 800; Madison.

Property Owners: Midwest Realty and Investment Corp. d/b/a The Edgewater Hotel; 666 Wisconsin Avenue; Madison, and; National Guardian Life Insurance Group; 2 E. Gilman Street; Madison.

Project Summary: The applicant wishes to remodel and add one floor to the original Edgewater Hotel located on the westernmost portion of the site and to construct a 9- to 15-story hotel addition on the eastern portion of the site partially on land it will be purchasing from the National Guardian Life Insurance Group (NGL). The two main hotel buildings will be joined by the existing portion of the hotel commonly referred to as the "1970's Addition," which will remain but have one level removed. The renovated and expanded hotel would include up to 190 guestrooms and potentially 8-10 residential dwelling units, as well as spaces for restaurants, a ballroom, meeting facilities, and various personal services. The development also includes the construction of an approximately 235-stall parking garage on additional land being purchased from NGL on the east side of Wisconsin Avenue. The development

will also include a variety of open spaces between the existing hotel and new hotel tower and along the shore of Lake Mendota.

Construction will commence in 2010 after all approvals have been granted, with completion anticipated approximately in the fourth quarter of 2012 or later.

Parcel Location: An approximately 2.77-acre development site located on both sides of Wisconsin Avenue at Langdon Street, which includes approximately 2.23 acres of private property to be zoned PUD-GDP-SIP and approximately 0.54-acres of Wisconsin Avenue right of way; Aldermanic District 2; Mansion Hill Historic District; Madison Metropolitan School District.

Existing Conditions: The Edgewater Hotel is currently contained in the original 1946 building located on the west side of Wisconsin Avenue adjacent to Lake Mendota, which measures 6 stories at its southeasterly corner adjacent to the Wisconsin Avenue right of way and 10 stories from the lake, and the 5-story (as measured from the lake) "1970's Addition," which extends parallel to the shoreline in the vacated right of way of Wisconsin Avenue. An underground parking facility serving the hotel is located primarily within the remaining right of way located between the vacated section and Langdon Street. Two stairwells on either side of the 1970's addition provide public access to an observation area on the roof of the addition. A third stairway extends along the eastern wall of the addition to provide public access from Langdon Street to Lake Mendota through the site.

Surrounding Land Use and Zoning:

North: Lake Mendota;

South: National Guardian Life Insurance on the easterly side of Wisconsin Avenue; Kennedy Manor and a variety of single-family and multi-family residences located generally west of Wisconsin Avenue and south of Langdon Street, all zoned R6H (General Residence District);

West: Multi-family residences and fraternity and sorority houses, zoned R6H;

East: Undeveloped land and surface parking on the remaining National Guardian Life Insurance property, zoned PUD-GDP; lands further to the east across N. Pinckney Street are developed with a variety of multi-family residences in R6H zoning.

Adopted Land Use Plan: The Comprehensive Plan identifies the subject site on the boundary between the Langdon and Mansion Hill Downtown residential sub-districts, which both allow multi-unit high-density residential uses with densities of up to 60 units per acre; mixed-use buildings with first floor retail, service, dining, entertainment and offices uses with residential uses above while emphasizing the historic character and significance of the sub-districts. In addition, the Mansion Hill sub-district includes office/service and institutional uses as recommended land uses.

Buildings in the Langdon sub-district are recommended to range in height from 2 to 8 stories, with the tallest buildings recommended to be closest to State Street. Building heights in the Mansion Hill sub-district are recommended to be 2 stories minimum, with the maximum to be established by underlying zoning.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

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

Zoning Summary: The site will be rezoned to PUD-GDP-SIP with this application. A separate memo dated March 19, 2010 is attached from Matt Tucker, Zoning Administrator, which compares the proposed development to the bulk standards in the existing HIST-MH OR and R6H zoning districts.

Project Review

The applicant is requesting approval to rezone 2.23 acres of property located at the northern end of Wisconsin Avenue in the Mansion Hill Historic District from R6H and HIST-MH OR to PUD-GDP-SIP to facilitate the redevelopment and expansion of the existing Edgewater Hotel into a 190-room hotel with a 235-stall parking garage to be located on land located between the proposed new hotel tower and the existing National Guardian Life Insurance Group (NGL) building at 2 E. Gilman Street. The 2.23-acre proposed zoning lot includes the existing 1.09-acre Edgewater Hotel property as well as the enlarged 1.14-acre area of land that the developer will be purchasing from NGL.

The full scope of the project, which will include renovation and expansion of the original 1946 hotel, modifications to the portion of the hotel added in the 1970's as well as the construction of the new hotel tower, will also involve the use of a 132-foot wide and 126-foot deep (0.38 acres) section of Wisconsin Avenue right of way located between the northerly right of way line of Langdon Street and a section of Wisconsin Avenue right of way originally vacated by the City in 1965. The revised project also proposes the use of an additional 42-foot wide by 166-foot long (0.16 acres) section of right of way generally located between the back of the public sidewalk and curb on the east side of Wisconsin Avenue. The 0.54 overall acres of City right of way are not part of the proposed PUD-GDP-SIP zoning, but are integral to the development and will be discussed as part of this report. The Plan Commission will also be addressing the use of the right of way as part of its recommendations and approvals for this project.

Because the existing Edgewater Hotel and proposed expansion abuts Lake Mendota, the project will also require approval of a conditional use for waterfront development.

Existing Conditions:

The existing Edgewater Hotel contains 107 hotel rooms as well as a restaurant, lounge, 8 meeting rooms and a lakeside pier and bar built in two phases. The original Edgewater Hotel tower was built in 1946 in the Art Moderne style and stands approximately 6 stories at its southeasterly corner adjacent to the Wisconsin Avenue right of way and approximately 10 stories facing Lake Mendota as a result of 70 feet of grade change present across the site from the intersection of Wisconsin Avenue and Langdon Street down to the lake's edge.

A modern, low-rise addition was added to the east side of the hotel in 1972 that was primarily built within the right of way of Wisconsin Avenue vacated by the City in 1965. From the Langdon Street side, the cream-colored brick and concrete addition is characterized by a tall one-story façade and parapet that includes the main entrance to the hotel as well as the entrance to an underground parking garage for approximately 150 stalls. On the lake side, the addition has five stories of hotel rooms built into the considerable slope adjacent to the lake. The 1972 addition includes two round staircases located at the southwesterly and southeasterly corners, which provide access to a graveled rooftop lake observation deck provided by the hotel to satisfy its obligations to the City under the 1965 ordinance that vacated the portion of the Wisconsin Avenue right of way on which the addition sits. A metal staircase provided

to give public access to the lake also extends between the eastern wall of the addition and adjacent property line. A six-foot wide concrete walkway extends along the lake edge adjacent to the addition between the eastern staircase and a wood deck that sits on the water in front of the original hotel, which includes a bar and the waterside café.

The area between the five-story NGL Building located at the northeasterly corner of Wisconsin and E. Gilman Street and the Edgewater where the 235-stall parking garage is now proposed is characterized by a grassy slope and 18-stall surface parking area adjacent to the Wisconsin Avenue right of way. Closer to Lake Mendota, the NGL land is characterized by dense vegetation consisting of canopy trees and understory trees, brush and groundcover, particularly adjacent to the lake's edge, and by a steep south-to-north slope similar to the slope present on the adjacent Edgewater property.

Beside the office building, the remaining NGL property, which extends east to N. Pinckney Street, is largely undeveloped with the exception of a 46-stall surface parking lot and the boathouse for the former Vilas Mansion, which occupied the site prior to the construction of the NGL Building. The NGL Building, surface parking adjacent to Wisconsin Avenue and a swath of land adjacent to the existing Edgewater property are zoned R6H, while much of the remainder of the site is shown on the current zoning map as PUD-GDP owing to a 1979 rezoning approval for a multi-story lakeside residential building that was never constructed. Since the February 8 Plan Commission meeting, staff determined that the PUD-GDP zoning was never recorded and therefore that the zoning of this portion of the NGL property has defaulted to the R6H zoning that existed on that land before the 1979 rezoning.

Overview of Revised Project:

The revised Edgewater Hotel redevelopment project includes four integrated building components on the proposed 2.23-acre zoning lot in addition to a number of changes to the overall site and the section of remaining Wisconsin Avenue right of way located north of Langdon Street.

Access, Parking & Loading:

The developer has significantly modified access to the Edgewater development as part of the amended plans. Whereas the previous plans reviewed called for vehicles dropping off guests or parking to enter the site through the construction of an auto court in the public right of way that included a circular drop-off area and ramp opening into underground parking to serve the hotel, the new redevelopment plans propose a separation of drop-off and parking functions. In the Wisconsin Avenue right of way, the plans still propose a median-divided turnaround extending into the site from Langdon Street and Wisconsin Avenue, which will have an 8- to 9-foot grade change (8.6-10% slope) between the Langdon Street sidewalk and the bottom of the auto court. The area at the center of the auto court will include a raised observation area accessible from the Langdon Street sidewalk and a series of landscaped terrace walls to the transition from the Langdon Street elevation to the grade of the bottom of the auto court.

Parking access for the project has been shifted to the eastern side of the proposed development, with a full intersection now proposed at the Langdon-Wisconsin intersection to provide access to a below-ground parking garage to be located on the additional land being purchased from NGL. The new private drive will also provide access to an enclosed loading area proposed along the southerly façade of the new hotel tower. Access to the new garage will be located at the easterly end of the private drive opposite Langdon Street, with a 10% slope proposed down to the first of three new parking levels. The new garage will provide approximately 204 parking stalls, with bike and moped parking spaces also shown. The new parking facility will be connected to the existing 150-stall parking garage at Lower

Level 3 by a two-way underground tunnel to be located below the new hotel tower (see Sheets A1.14 and A1.15, Parking Plans). A subterranean pedestrian connection is shown between the new garage and lower hotel lobby at Lower Level 2 (see Sheet A1.05). A portion of the new In all, structured parking for approximately 355 vehicles is proposed as part of the revised and expanded project according to the letter of intent.

At-grade pedestrian access into the new underground parking garage will be provided by a small one-story glass and stone veneer structure to be located at the northwesterly corner of the garage adjacent to the southeasterly corner of Langdon Street and Wisconsin Avenue, which will include two elevators and a stairwell. A second smaller auxiliary stairwell will also be provided at the southeasterly corner of the garage near the NGL Building. The area above the proposed garage will be a grass slope similar in appearance to the slope present today, with the exception of a landscaped stepped retaining wall proposed along the north wall of the garage adjacent to the private drive opposite Langdon Street. The plans for the new garage call for the westerly-most 42 feet of the underground facility to be constructed in the Wisconsin Avenue right of way, which will require approval of an encroachment agreement by the City prior to construction.

The revised development materials submitted indicate that the new garage will be allowed to connect in the future to the existing parking garage located below the NGL building through a subterranean vehicular and/or pedestrian connection, though such a connection is not shown on the current hotel development plans. Of the 204 parking stalls proposed in the new garage, the hotel developer indicates not less than 120 stalls will be shared with NGL. A future connection between the proposed hotel garage and NGL Building garage would require approval of an alteration to the Edgewater land use approvals as well as the rezoning of the NGL Building, which is a nonconforming use and building in the R6H residential zoning district.

In the revised plans, loading for the hotel will primarily be provided in two enclosed berths for staging delivery trucks. The first berth will be a 10-foot wide by 35-foot deep bay located in the western half of the service area, which will also include space for a fire pump, recycling storage and a trash compactor. The eastern half of the service area will include a 10-foot wide by 83-foot deep loading berth that could accommodate two 10 X 35-foot delivery trucks, parking for two tour buses, or one 55-foot semi truck (see Sheet A1.07, Floor 1). A fourth 10-foot wide by 35-foot deep loading area is proposed outside the building along the north side of the private drive and west of the entrance to the enclosed dock. The applicant indicates that the entrance to the new 205-stall parking garage can be used to provide adequate maneuvering for trucks accessing the loading spaces. The applicant also indicates that the compactor and recycling can be serviced within the enclosed service area.

Plaza:

Moving north toward the lake from the auto court and parking ramp access, the developer proposes to remove the top floor of the 1970's addition to accommodate a public plaza that will span a minimum of approximately 100 feet across the center of the site, generally between the original 1946 hotel tower and the new tower proposed to be constructed along the easterly edge of the site. The proposed plaza will be located one story below the bottom of the auto court (at the approximate elevation of the existing ballroom/ Admiralty Restaurant). The plaza will be accessible on foot from the auto court by two curved staircases leading down to a central open space that will be flanked by a series of walks and planting beds. The plaza will include a number of seating areas, planters and green spaces above the lakeside wall of the remaining 1970's addition below. A more formal outdoor seating area will be located on the easternmost edge of the plaza in front of a ballroom to be located on the same level in the new tower.

The four stories of the 1970's addition to remain below the proposed plaza will be renovated to include 9 hotel rooms on the lakeside on each floor (36 rooms), with the existing four-level parking garage on the inland side.

Renovation of the Original 1946 Hotel Tower:

[Note: Plans for this component of the project are principally the same as previously reviewed.]

West of the public plaza, the developer proposes to renovate and expand the original 1946 hotel, including the restoration of the original easterly facade following disconnection of the 1970's addition from the original structure to accommodate a new public staircase proposed parallel to the western edge of the Wisconsin Avenue right of way, which will provide access to the lake. Renovation of the original hotel tower will include the repair and replacement of brick, steel lintels, terracotta bands, the re-glazing of glass blocks, and new windows that will match the profiles and proportions of the existing windows. The restoration of the portion of the original easterly facade covered by the 1970's addition will employ matching brick, windows, and architectural detailing to match the original appearance to the extent possible.

The developer also proposes a one-story glass curtain-wall addition to the roof of the original hotel, which will result in an 11-story structure when viewed from the lake. The new "club level" floor will be stepped back slightly from the northerly and easterly walls of the existing building to accommodate a rooftop outdoor seating area overlooking the lake. As noted earlier, the original Edgewater hotel tower stands approximately 6 stories along its southerly facade before emerging with 10 stories visible from the lake due to the nearly 70 feet of grade change present from south to north. The addition to the original hotel tower will add approximately 10 feet of height to the building but remain below the height of the existing stair tower along the easterly side wall. Overall, the roof of the addition atop the original hotel will be approximately 110 feet above the dock elevation adjacent to Lake Mendota.

A new entrance addition will be added at the southeastern corner of the building that will feature a curving cantilevered roof and glass curtain wall to be accessed from the proposed staircase down to the lake. The design of the entrance to this western wing of the hotel is intended to emulate the original main entry to the hotel, which was designed but not built. The existing entrance into the original hotel tower was built as a somewhat subdued, masonry-surrounded entrance that is obscured from view from Langdon Street. The last element of the renovation plans for the original Edgewater Hotel call for a reconstructed Rigadoon Room restaurant to occupy the lower two floors of the lakeside elevation. The restaurant will be clad in a two-story tall curtain wall on the facades facing the lake and public staircase. Entrances into the 3,895 square-foot restaurant are shown from both the lakeside pier and from the staircase at the upper level.

The program for the remainder of the original hotel building as part of the proposed redevelopment includes a hotel administrative office floor on the level above the Rigadoon Room and a spa, pool and fitness facility floor on the fifth level above the lake elevation. The new entrance at the southeasterly corner of the original hotel will open into a common room on the floor approximately two levels below Langdon Street, which will also include additional spa space and a library. Six hotel rooms will be provided on each of the next five floors located between the level with the new entrance feature and the new rooftop club level, for a total of 30 hotel rooms in this portion of the larger Edgewater development.

Revised Plans For New Hotel Tower:

The proposed new tower to be constructed across the proposed plaza from the original hotel tower will generally parallel the easterly edge of the existing and vacated right of way of Wisconsin Avenue. In total, the proposed new tower will contain 15 floors including a newly proposed rooftop access that was not indicated in the earlier-reviewed plans. The new tower will stand 9 stories and 97.4 feet above the grade of Langdon Street as measured to the top of the mechanical penthouse, which now includes an elevator lobby and stairs. (The applicant has expressed an interest in using a portion of the rooftop for hotel functions but has not included specific plans for such with this request.) A separate stair tower is also shown between the penthouse and northerly wall of the hotel tower. The tower will stand 10 stories and 107.25 feet above the bottom of the auto court in the Wisconsin Avenue right of way to the top of the penthouse floor and 159.25 feet above dock level adjacent to Lake Mendota. (see Sheet A2.01)

The tower building will begin along the northerly façade along the lake as a four-story extension of the 1970's addition that incorporates two step backs responding to the contour of the lake's edge. The lake side of the tower base will be occupied by 4 hotel rooms on each floor, with hotel operations spaces (housekeeping, laundry, mechanical, etc.) on the inland side of each floor (Lower Levels 6 through 3 based on their order in the plan set, Sheets A1.01–A1.04). Above the lower four floors, the entire tower steps back before continuing two more stories above the plaza level. These floors, shown as Lower Levels 2 and 1 (Sheets A1.05–A1.06), will include a two-story high ballroom opening onto the plaza along its northerly and westerly facades, a lower hotel lobby, the subterranean connection to the underground garage, and additional hotel operations and functions space for custodial, mechanical and food service on Lower Level 2. Lower Level 1 will include the main hotel lobby and hotel administration and will be at the same level as the bottom of the auto court.

A restaurant and lounge will occupy the northerly half of Floor 1 (at the grade of Langdon Street; see Sheet A1.07) and will include a terrace overlooking Lake Mendota and the plaza below on the stepback from the two floors below. A café and small outdoor eating area will be located at the southwesterly corner of the new tower adjacent to the Wisconsin-Langdon intersection, with the remainder of Floor 1 to be occupied with two meeting rooms and the loading dock/service area described earlier. The terrace adjacent to the café at the southwesterly corner of the building, which will be slightly elevated above the sidewalk grade of Langdon Street, will be located in the right of way of Wisconsin Avenue and will require approval of a privilege in streets agreement from the City. In order to address the grade transition from Langdon Street to the grade of auto court, a series of terrace walls containing stairs and seating areas are proposed.

The westerly side wall of Floor 1 of the new tower principally adjoins the easterly right of way line of Wisconsin Avenue along its entire length, though the outdoor dining terrace located at the northwesterly corner of the floor on the roof of the levels below extends into the vacated portion of the right of way of Wisconsin Avenue approximately 11 feet. The easterly side wall of the new tower will be set back 4.2 feet from the easterly side property line of the proposed project site. An emergency egress staircase is shown extending between the building and property line along the northerly half of that elevation.

At Floor 2, the westerly side wall of the new hotel tower has a step back ranging primarily from approximately 11 to 15 feet along the westerly wall of Floor 1 below, though the southerly end of the westerly façade will have a 21.67-foot step back. The easterly side wall of Floor 2 is set back 13-15 feet from the easterly wall of Floor 1 above the loading dock. (see Sheet A1.08) This profile continues on Floors 3-6. (Sheets A1.09 and A1.10) Above Floor 1, the westerly façade of the new tower will range in

setback from both the vacated and remaining 132-foot wide Wisconsin Avenue right of way line between 13 and 21.67 feet.

Floors 2-6 of the tower will be occupied by guest rooms, with 17-20 rooms per floor. The top two floors of the new tower will be stepped back along the northerly, westerly and southerly facades and will include 7 suites per floor. In all, 124 hotel rooms and suites will be housed in the new tower, with the potential for the final number of lodging rooms to be fewer if some of the rooms on the top two floors are converted into 8-10 residential dwelling units, which the developer has included in the project scope if the market for such units emerges.

The new tower will be clad in a buff-colored brick veneer above a cast stone base and includes a number of repeating vertical elements including projecting brick quoins, windows, and balconies intended to create a high degree of articulation, particularly along the westerly and easterly side facades. The architecture of the new tower has been refined since the earlier review of the project. The building continues to suggest Beaux Arts influences, though it has been streamlined to remove some of the earlier architectural elements such as the rounded windows on the westerly façade that were intended to mirror aspects of the original 1946 hotel tower. Refinements to the architecture of the new tower include a prominent vertical element that will extend along the westerly façade between the main lobby and a clerestory above the 8th floor, and a rounding of the northerly lake-facing façade of Floors 1-8. The lake-facing elevation of the 1970's addition will be reconstructed to match the base of the new tower and will include a series of bay windows and balconies across facing Lake Mendota.

Access to the Lake:

As noted earlier in this section, a staircase will be extended through where the 1970's addition currently meets the original 1946 hotel to provide public access to the lake's edge. Beginning at Langdon Street, the public stairs will appear essentially as a continuation of the sidewalk on the west side of Wisconsin Avenue south of Langdon. The staircase will extend along the restored easterly façade of the original hotel as well as the easterly wall of the 2 Langdon Street apartment complex immediately south of the hotel. The width of the corridor in which the stair will be located and the width of the stair treads themselves varies along the length, with an 8-foot minimum tread width generally shown. The stair treads will be flanked by retaining walls and raised landscape planters on each side. A section drawing through the stair shows four entrances into the original Edgewater Hotel tower from the stairs, three entrances into the newly constructed westerly wall of the 1970's addition and three entrances into the adjacent apartment complex. A tunnel is shown beneath the proposed public stair at Lower Level 5 to provide an all-season connection between the 1946 hotel tower and the rest of the Edgewater complex (see Sheet A2.03).

The developer indicates that Americans with Disabilities Act-compliant accessibility to the lake's edge will be provided internally via a route through the hotel complex, though the exact route has not been provided with the application materials submitted to date.

Along the lake edge, the developer proposes to maintain the existing walking path that extends along the front of the 1970's addition and the deck that extends out over Lake Mendota in front of the original Edgewater tower. A large pier shown on earlier plans to extend out over the lake approximately 165 feet from the existing dock is not shown on the current plans. Staff notes that any such dock extension, while generally part of the larger Edgewater Hotel redevelopment, is not part of the proposed rezoning of the site to PUD-GDP-SIP or approval of the conditional use for waterfront development because structures in State waters like Lake Mendota fall under the jurisdiction of the Wisconsin Department of

Natural Resources (DNR), who is responsible for their permitting. A separate approval from the DNR will be required for the dock extension and any modifications to the existing dock extending into the lake. The developer has previously indicated that the redevelopment plan for the hotel subject to the PUD zoning is not dependent on the final pier design approved by the DNR. Staff recommends a condition of approval on the two zoning applications that requires the applicant to receive all necessary approvals from the State of Wisconsin for any existing or future projections into Lake Mendota and that the project plans reflect those approvals accordingly.

Analysis of Revised Project

The Edgewater Hotel planned unit development continues to propose a significant redevelopment and expansion of one of the Downtown's signature properties and represents a dramatically new vision for the northern end of Wisconsin Avenue and the corridor between the State Capitol and Lake Mendota, though the project plans have changed substantially since the February 8, 2010 Plan Commission meeting. On February 17, the developer presented a new concept for the project to the Urban Design Commission that outlined in very preliminary detail many of the changes that have been incorporated into the revised and enlarged planned unit development rezoning request being considered on March 22.

The project plans continue to call for the removal of the top floor of the hotel's 1970's addition to create a new public plaza, the renovation of the original 1946 Edgewater Hotel, including the restoration of lower floors currently covered by the 1970's addition, the raising of the Wisconsin Avenue right of way to create a public entrance into the site, and the construction of a new tower on the eastern portion of the project site, which will house most of the project's 190 overall hotel rooms as well as a restaurant, café, and ballroom. However, the mass of most of the new hotel tower has been shifted further to the east by approximately 13-21 feet to move it farther from the Wisconsin Avenue right of way line. The project now also calls for approximately 130 more parking stalls to serve the hotel development than the plans reviewed on February 8, which will be located in a new parking garage to be built into the hillside down slope of the NGL Building.

As noted in the prior staff report, the existing Edgewater Hotel is located entirely in the HIST-MH OR (Mansion Hill Historic District/Office Residence District) zoning district. The OR zoning district follows most of the use and bulk requirements in the R6 General Residence District with the exception that hotels and motels, business and professional offices, and medical/ dental/ optical clinics are included as permitted uses in the OR district. Bulk requirements in the OR district restrict the floor area ratio (FAR) of development to 2.0. The "HIST-MH" prefix references the existing Edgewater Hotel's location in the Mansion Hill Historic District as required by Section 28.106 of the Zoning Ordinance, which requires the zoning map to identify properties located in local historic districts or designated as local landmarks established under Section 33.19, the Landmarks Commission ordinance.

The developer also proposes to acquire 1.14-acres of land from the adjacent National Guardian Life property east and south of the existing Edgewater Hotel parcel, as depicted on Sheet C1.02 of the plan set ("Parcel 4" and "Parcel 5"). The land to be acquired from NGL, where much of the new tower and the newly proposed parking garage will be constructed, is currently zoned R6H. The R6H zoning district was established largely for the same purposes and with most of the same use and bulk regulations as the R6 district with the added distinction of having a 50-foot height limit and different yard requirements intended to assist in the preservation of the "historic and architectural character of mapped historic districts." To date, the R6H zoning district has only been mapped in portions of the Mansion Hill Historic

District. A portion of the NGL property adjacent to N. Pinckney Street is shown on the zoning map as PUD-GDP as a result of a 1979 rezoning approval for a lakeside residential building that was never constructed. Staff has determined that the conditions of approval for the rezoning were never completed and the PUD-GDP never recorded and therefore that the zoning of this portion of the NGL property has defaulted to the R6H zoning that existed on that land before the 1979 rezoning.

As staff noted on February 8, the proposed Edgewater redevelopment cannot be built as proposed within the existing HIST-MH OR and R6H zoning districts, therefore requiring PUD zoning in order to proceed. The proposed hotel redevelopment will have a floor area ratio (FAR) of approximately 2.72 based on the gross floor area stated in the letter of intent for the revised and enlarged project, which exceeds the 2.0 FAR maximum established in both OR and R6H zoning. The project will have 403,300 gross square feet. The Zoning Ordinance's definition of floor area ratio does not count the 138,193 square feet devoted to underground parking towards the FAR calculation. The net gross floor area of the project without the underground parking is 265,107 square feet, which results in the 2.72 FAR based on the 2.23-acre zoning lot. The hotel complex also does not provide the yards required in the existing zoning districts. Readers should refer to the attached Zoning Administrator's memo dated March 19, 2010 for additional information.

The Zoning Ordinance defines building height as the vertical distance from the curb level, or the approved ground level, opposite the center of the front of a building to the highest point of the roof. In the case of a flat roof, the height is measured to the deck line. Because the elevator now opens onto the roof and future rooftop use is contemplated, the roof level is now counted as a story, resulting in the new tower being 9 stories and 97.4 feet above the grade of Langdon Street as measured to the top of the mechanical penthouse and newly proposed rooftop access, and 10 stories and 107.25 feet above the bottom of the auto court in the Wisconsin Avenue right of way to the top of the penthouse floor, both of which significantly exceed the 50-foot height restriction for new construction in the R6H zoning district. The February 8 staff report previously identified the height of the new hotel tower as 8 and 9 stories, respectively.

Regardless of the existing or proposed zoning districts, a conditional use for waterfront development is also required per Section 28.04 (19) of the Zoning Ordinance.

In order for the Edgewater project to proceed, the Plan Commission is required to review the project against the standards of approval for zoning map amendments, planned unit developments and conditional uses. As with any zoning map amendment, the Plan Commission shall also not recommend the adoption of a proposed amendment unless it finds that the proposed rezoning is "in the public interest and is not solely for the interest of the applicant, and shall not recommend a proposed amendment without due recognition of the master plan of the City." In addition, Chapter 66.1001 (3) of Wisconsin Statutes requires that zoning ordinances (of which the zoning map is part) enacted or amended after January 1, 2010 be consistent with the City's comprehensive plan.

The Planned Unit Development zoning district was established to "provide a voluntary regulatory framework designed to encourage and promote improved environmental and aesthetic design in the City of Madison by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning code and the general plan for community development. To this intent, it allows diversification and variation in the bulk and relationship of uses, structures and spaces in developments conceived as comprehensive and cohesive unified plans and projects. It is further intended to encourage developments consistent with coordinated area site planning." Unlike conventional zoning districts elsewhere in the Zoning Ordinance, there are no

predetermined use, lot area, lot width, height, floor area ratio, yard, usable open space, sign and off-street parking and loading requirements in PUD zoning (except residential projects in the Downtown Design Zones). Instead, those provisions are determined through the approval of individual planned unit developments, which are recorded at the Register of Deeds following Common Council approval and compliance with all conditions of approval and prior to the issuance of building permits.

Consistency with the Comprehensive Plan:

The City's Comprehensive Plan was adopted by the Common Council in January 2006 and includes a number of goals, policies and recommendations for land use, transportation, economic development, housing, and a wide range of community resources (parks, cultural resources, historic preservation, etc.) intended to guide the growth of the City over a 20-year period. The plan is organized around and is generally consistent with a series of key themes.

The Comprehensive Plan includes many goals, policies and recommendations that can be related to the consideration of a significant land use decision like the proposed planned unit development and conditional use for the redevelopment and expansion of the Edgewater Hotel. In particular, Volume II, Chapter 2 of the Plan includes a number of goals, policies and recommendations that staff feels are germane to the discussion about the proposed Edgewater development, notably the land use recommendations for the Downtown area, which are made in the context of ten defined sub-districts that share important characteristics related to function, predominant land uses, scale, density, and urban design. Each sub-district has its own development recommendations and standards.

The land use recommendations in the Comprehensive Plan were considered to be preliminary recommendations in anticipation of more detailed planning for the Downtown, such as the forthcoming Downtown Plan, which will likely provide more specific guidance on land use, development density and intensity, building height, and design standards. The final recommendations of the Downtown Plan and other future plans for specific sub-districts may also cause the recommendations for, or boundaries of, the Downtown sub-districts included in the 2006 Comprehensive Plan to be revised. Specifically, Volume II, Page 2-105 states:

"The Comprehensive Plan includes goals, objectives and policies to begin to address the unique planning challenges and opportunities in the Downtown area. Broad land use recommendations for the Downtown are made in the context of ten defined sub-districts that share important characteristics related to function, predominant land uses, scale, density, and urban design. Each sub-district has its own development recommendations and standards. These recommendations are partly based on existing plans that cover portions of the Downtown area, and on the analyses and recommendations included in the 2004 Downtown Advisory Report prepared as part of the Comprehensive Planning process. The Comprehensive Plan also recommends preparation of one or more updated special area and/or neighborhood plans for the Downtown area as a high priority; and the land use recommendations in this Comprehensive Plan should be considered preliminary until more-detailed plans for the Downtown area are developed and adopted. These plans should, at a minimum, address recommended land uses, development density and intensity, building height, and building and site design standards; and should establish Downtown as the focal point of the city. More-detailed planning may also revise the recommendations for, or boundaries of, the Downtown sub-districts included in the Comprehensive Plan."

The Comprehensive Plan identifies the proposed Edgewater Hotel planned unit development site on the boundary between two of the ten Downtown sub-districts, the Langdon Residential Sub-District and the Mansion Hill Residential Sub-District (as distinguished from and not coterminous with the Mansion Hill Historic District). The line as shown in Volume II, Map 2-3 appears to follow the zoning boundary described earlier in this report between the HIST-MH OR and R6H zoning.

In interpreting the boundaries shown on the Generalized Future Land Use Plan Maps in the Comprehensive Plan, Volume II, Page 2-77 states:

"The Generalized Future Land Use Plan Maps (i.e. the city - wide map (Volume II, Map 2-1) and sector maps (Volume II, Maps 2-2a – 2-2h) use 17 land use districts and two special overlay designations to make relatively broad recommendations for the future distribution of land uses throughout the city and its planned expansion areas over the next 20 years. The Maps are a representation of the recommended pattern of future land uses at a large scale, and is not intended for application on a parcel-by-parcel basis; nor should it be interpreted as similar to a zoning district map. Recommended land uses are generalized in that the exact boundaries between one land use category and another are often only approximate, the range of different land uses and development densities encompassed within the use district definitions is relatively large, and all of the districts may include a variety of land uses in addition to the primary use. As noted above, refined recommendations applicable to individual properties will be provided through preparation and adoption of detailed neighborhood and special area plans."

Both the Langdon Residential Sub-District and the Mansion Hill Residential Sub-District identify multi-unit high-density residential uses with densities of up to 60 or more units per acre, and mixed-use buildings with first floor retail, service, dining, entertainment and offices uses with residential uses above as recommended land uses, with the Mansion Hill sub-district also listing office/ service uses and institutional uses as recommended land uses. Both sub-districts place an emphasis on preserving the historic character and significance of the Langdon and Mansion Hill areas. Buildings in the Langdon sub-district are recommended to range in height from 2 to 8 stories, with the tallest buildings recommended to be closest to the State Street corridor. Building heights in the Mansion Hill sub-district are recommended to be 2 stories minimum, with the maximum to be established by underlying zoning.

Planning staff believes the *uses* included in the proposed planned unit development could be found to be consistent with the land use recommendations included in the Comprehensive Plan. While hotels are not specifically enumerated in the recommended land use lists in either sub-district, the Langdon sub-district does note the presence of the Edgewater Hotel.

Staff previously stated that the height of the proposed development, particularly the new tower, was generally consistent with the broad height recommendations for at least the Langdon sub-district. However, the new tower, which appears to straddle the two sub-districts, is now proposed to stand 9 stories above the grade of Langdon Street at Wisconsin Avenue and 10 stories above the Wisconsin Avenue auto court when the penthouse floor is included. While the mass of the penthouse was proposed on the earlier-reviewed plans, no public access was contemplated and this level was viewed primarily as a mechanical level. The addition of the penthouse lobby and potential future use of the rooftop for hotel functions requires that this be more fully considered a story of the new tower, which causes the tower to exceed the uppermost limit recommended in the Comprehensive Plan for the Langdon sub-district.

Staff indicated previously that the height of buildings recommended in the Mansion Hill sub-district has a “maximum to be established by underlying zoning”. At the time the Plan was prepared, this height would have been the 50-foot height limitation in the R6H zoning district that comprises a majority of the Mansion Hill area, although the boundaries of the R6H district and Mansion Hill sub-district are not coterminous. However, as the proposed rezoning to PUD implies, there is no specific height limitation except as determined through the PUD approval. If the proposed PUD of the subject site is approved, the height of the buildings “established by underlying zoning” will be determined by the PUD.

Staff believes that the Plan Commission’s determination of consistency with the Comprehensive Plan should not be based on any one recommendation in the Plan but on consideration collectively of all of the recommendations pertinent to the project as proposed, including with the project’s consistency with the other broad land use goals, policies and recommendations contained in Volume II, Chapter 2.

The Comprehensive Plan generally supports Downtown as a state, regional and national tourist destination and convention center, which would be supported by uses like hotels such as the Edgewater (Volume II, Chapter 2, Objective 78). This is fully in keeping with the goals of the Downtown 2000 Plan as well. Staff believes that aspects of the proposed Edgewater redevelopment would also strengthen the view corridor at the northern terminus of Wisconsin Avenue at Lake Mendota, which would generally conform with a recommendation that streets be designed so that primary views terminate at important buildings, distinctive architectural elements, natural features, parks or open spaces (Volume II, Chapter 2, Objective 53). As noted below, however, the proposed new tower would significantly affect the view corridor from other vantage points. The proposed development is also consistent with a recommendation for increased and improved public access to the lakefronts and the inclusion of small, passive open spaces within the Downtown (Volume II, Chapter 2, Objective 80), through the new stair to the lake and public plaza in the vacated right of way of Wisconsin Avenue, although the specific level of public access and programming of the plaza have not been finalized at this time. High-quality public open spaces, including plazas maintained on private property, are also generally recommended in the Downtown section of the Comprehensive Plan.

The Comprehensive Plan also places a significant emphasis on new development being complementary to and compatible with the existing and planned characteristics of the surrounding neighborhood, and infill development or redevelopment being designed to incorporate or improve upon existing positive qualities such as building proportion and shape; pattern of buildings and yards; building orientation to the street, and; building materials and styles. Although infill development is strongly encouraged as a key theme of the overall plan, it is always only one among many objectives, and other factors such as architectural character and scale (including building height, size, placement and spacing), block and street patterns, landscaping and traffic generation are also important (Volume II, Chapter 2, Objective 42). While the Edgewater planned unit development prominently includes the restoration of the original 1946 hotel to much of its original appearance prior to the 1970’s addition, which responds to objectives pertaining to rehabilitation and reuse of historically significant buildings, it also calls for a controversial new tower that some view as being inharmonious with the scale and character of the surrounding neighborhood (Volume II, Chapter 2, Objectives 40, 41, 51; Volume II, Chapter 8, Objective 3).

Concerns have also been expressed by staff and members or the public about the potential affect the height and setback of the proposed new tower may have on the Wisconsin Avenue view corridor from the State Capitol to Lake Mendota, as well as the views from Lake Mendota. Volume II, Chapter 2, Objective 56 encourages that views and vistas of significant value, such as views of the lakes, open

space or the Capitol, be treated sensitively by new structures or potential visual obstructions, and that incursions by development that would degrade the views to and from the lakes, rivers and creeks be avoided. This is relevant given the location of the new tower adjacent to the existing and vacated portions of Wisconsin Avenue. The developer has attempted to address this concern to a degree by moving the mass of the tower above Floor 1 back 13 to 21 feet from the Wisconsin Avenue right of way, which brings the setback of most of the tower mass into greater alignment with the predominant building setbacks present along the east side of Wisconsin Avenue between Dayton Street and the lake.

Conformance with the Planned Unit Development Standards:

As a basis for determining the acceptability of a planned unit development, the Zoning Ordinance requires that the criteria below be applied with specific consideration as to whether or not the proposed PUD "is consistent with the spirit and intent of this ordinance and has the potential for producing significant community benefits in terms of environmental and aesthetic design."

Criteria 1: Character and intensity of land use: In a planned unit development district the uses and their intensity, appearance and arrangement shall be of a visual and operational character which:

- a. Are compatible with the physical nature of the site or area.*
- b. Would produce an attractive environment of sustained aesthetic desirability, economic stability and functional practicality compatible with the general development plan.*
- c. Would not adversely affect the anticipated provision for school or other municipal service unless jointly resolved.*
- d. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it unless jointly resolved. A traffic demand management plan and participation in a transportation management association may provide a basis for addressing traffic and parking demand concerns.*

→ Review Against Criteria 1a. & 1b:

As staff notes at the beginning of the 'Analysis' Section of this report, the applicant's redevelopment and expansion plans for the Edgewater Hotel propose a dramatic new vision for the view corridor that extends along Wisconsin Avenue from the State Capitol to Lake Mendota, as well as a significant renovation of one of the City's signature properties.

In addition to a complete renovation of the 1946 Edgewater Hotel, the developer proposes to add a tastefully designed addition to the roof of the original tower that staff generally feels is well integrated with the mass and architecture of the Art Moderne building below. The renovations to the original hotel tower will also call for the removal of the portion of the 1970's addition appended to the lower portions of the eastern wall of the hotel, which will allow many of the original architectural details to be restored. The re-facing of the Rigadoon Room on the lowest two levels of the original hotel facing Lake Mendota and the construction of a modern interpretation of the original curved entrance designed but never built at the southeasterly corner of the hotel add to the aesthetic desirability of this portion of the overall hotel redevelopment plan.

The project also calls for the street-facing façade of the 1970's addition to be dramatically changed. The existing understated southerly façade of the addition will be removed to create a rooftop plaza and to allow a portion of the grade of the site to be raised to accommodate a new public vehicle turnaround referred to on the development plans as the "auto court". This new vehicular access will be more street-like in its appearance from the intersection of Langdon Street and Wisconsin Avenue and should be

more inviting to the general public than the existing condition, which resembles a private driveway that slopes steeply away from the public streets. The removal of the top floor of the 1970's addition will also allow the developer to create a public plaza between the original hotel and the new hotel tower proposed that should afford better views of Lake Mendota from some vantage points to the south. The project should also create better access to Lake Mendota for the public than the existing conditions, which include a secluded stairway along the existing eastern property line and a largely unimproved rooftop overlook on the 1970's addition. The new stair proposed along the eastern wall of the 1946 hotel tower has the potential to create a much more inviting path to the lake for the public, while an ADA-accessible route will be provided through the new hotel tower to create accessibility to the lake that does not currently exist.

As noted earlier in this report, the developer has also revised the development plans to shift most of the mass of new hotel tower approximately 13-21 feet further to the east to move it farther from the Wisconsin Avenue right of way line in response to concerns expressed about the placement of the new structure by members of the public and by the Planning Division in our February 8 report. In the earlier report, staff suggested that setting the mass of the tower further back from the easterly line of Wisconsin Avenue could help to mitigate the impact of the height of the proposed building and reduce concerns about the potential "walling-off" of the view corridor along Wisconsin Avenue between the lake and State Capitol. Staff also noted in the previous report that, with the exception of the heavily urban first block of Wisconsin Avenue off the Capitol Square between Mifflin and Dayton streets, where the Manchester Place office building and parking ramp, Concourse Hotel and 100 Wisconsin Avenue condominiums generally lie alongside the Wisconsin Avenue right of way, most other properties between Dayton Street and Lake Mendota observe some amount of setback from Wisconsin Avenue.

Staff believes that the newly proposed shift of the mass of the new hotel tower above Floor 1 will result in less spatial enclosure at the lake and along Wisconsin Avenue. However, as staff noted in the earlier report, the placement of a building of any size where the new tower is proposed would lead to some amount of spatial enclosure along the east side of Wisconsin Avenue due to the undeveloped nature of the site. The setting back of Floors 2 through 8 of the new tower also appears to be marginally in keeping with the setbacks of many buildings along Wisconsin Avenue between Dayton Street and the subject site, though staff acknowledges that the new tower is of a considerably greater scale than most of the other buildings in this corridor except for the NGL Building, which is setback approximately 70 feet from the Wisconsin Avenue right of way.

Staff also suggested in the previous report that the placement of the building in relation to the Wisconsin Avenue right of way line could be addressed by reducing the height of the new hotel tower to more closely mirror the heights of the buildings located across the Wisconsin Avenue right of way, which abut the right of way but are of a lower scale and mass than the new hotel tower. The applicant, however, has indicated that reductions to the height of the tower are not economically feasible and are not being considered.

The setback of the new tower is also significant in light of the ordinance vacating Wisconsin Avenue, which was approved in 1965 with a 10-foot minimum setback from the northeasterly and southwesterly lines of the vacated right of way. The 1965 ordinance also requires that construction within the vacated right of way comply with the yard requirements of the existing zoning and building codes in the same manner as though the street had not been vacated. An ordinance to amend the 1965 ordinance to eliminate both of the earlier setback provisions has been introduced (Legislative File ID 17101), which, if approved, would subordinate setbacks for the Edgewater development to the provisions of the approved planned unit development. As part of its deliberations on the Edgewater Hotel project, the

Plan Commission will be asked to make a recommendation to the Common Council on the approval of this ordinance. Because the levels of the new hotel tower at and below Floor 1 will still largely abut both the existing and vacated Wisconsin right of way line, the provisions contained in the vacation ordinance amendment are still necessary.

However, despite the significant revisions that have been made to the development since February 8, the Plan Commission will still need to give serious consideration to the physical compatibility of the new hotel tower and the physical nature of the site and area in order to find that this standard of approval is met.

→ Review Against Criteria 1c:

As staff noted in the February 8 report, the Planning Division is not aware of any significant concerns expressed by City agencies about the capacity of municipal services needed to serve the proposed development and the project should not result in any impact on the capacity of Madison Metropolitan School District facilities. The City Engineering Division does not have specific concerns about the project but has submitted a comment that requires the applicant to provide estimated sanitary sewer flow calculations for the new hotel to verify that the existing City sanitary sewer has adequate capacity to serve this hotel redevelopment (Condition #26).

→ Review Against Criteria 1d:

The applicant previously provided a traffic impact analysis for the proposed hotel expansion that indicated the project would result in an increase of 795 vehicle trips per day, with 636 of those vehicles to access the site via Wisconsin Avenue and 159 vehicles via Langdon Street according to the consultant's report. The November 23, 2009 report suggested that the increase in vehicle trips as a result of the proposed redevelopment was "marginal" and that the capacity of the existing City street network was sufficient to handle the increase. Traffic Engineering Division staff reviewed the applicant's traffic impact analysis and generally agreed with its conclusions regarding trip generation and street capacity.

Since the February 8 Plan Commission hearing on the Edgewater project, the applicant has submitted a detailed Transportation Demand Management (TDM) plan that addresses various transportation-related aspects of the project, including an analysis of existing conditions on the subject site and in the surrounding area and a discussion of proposed parking and loading operations for the development. The TDM document also includes information on Americans with Disabilities Act (ADA) access through the development and transportation demand management strategies.

As noted earlier this report, the developer has increased the amount of automobile parking available within the development to approximately 355 stalls using the approximately 150 existing stalls present onsite and the newly proposed garage on the east side of Wisconsin Avenue north of the NGL Building, which results in a ratio of approximately 1.9 stalls per hotel room, or 0.7 stalls more than the earlier proposal, which called for 226 parking stalls to serve the 190-room hotel and ancillary uses proposed.

As staff noted in its February 8 review of the Edgewater Hotel project, the subject site is located within the Central Parking Area that extends between the lakes from Park Street to Blair Street and requires no specific parking requirement for any land use and will be zoned PUD, which does not have specific parking requirements. Outside the Central Parking Area, the Zoning Ordinance requires that one parking space be provided for each lodging room, and staff noted previously that the parking ratio conventionally required could help to inform whether the parking being proposed by the developer was appropriate to serve the scope of the development. In this case, the Zoning Ordinance would require

190 stalls to serve the lodging rooms in the proposed development alone, though additional parking may be required for other elements of the proposed hotel, including the two restaurants, café, ballroom, salon/ spa and public space if they were determined to not be incidental to the primary use of the site as a hotel. Staff included a summary of the parking provided for a selection of other nearby hotels in the February 8 report for comparative purposes. (Page 17 of February 8, 2010 Plan Commission report)

Planning Division staff believes that the developer has generally made a substantial improvement to the redevelopment plans by increasing the amount of parking that will be available for the Edgewater project, which staff feels may effectively address the concerns that were expressed previously about the ability of the project to provide sufficient parking given its considerable scope. However, additional information should be provided that clarifies how the hotel will share its 355 proposed parking stalls with the adjacent NGL property. As staff noted previously, up to 120 of the proposed stalls will be available for use by NGL during office hours, and a future connection between the hotel parking garage and NGL's existing approximately 140-stall under-building parking garage is being contemplated. Such a future connection may require approval of an alteration to the Edgewater project as well as approval of a rezoning of the nonconforming R6H-zoned NGL property.

The developer has also further elaborated on how loading will be provided for the proposed hotel. As noted earlier in this report, loading for the hotel will be provided in two berths located in an enclosed service area on the eastern side of Floor 1 with access provided from the private drive opposite Langdon Street. The first berth will be a 10-foot wide by 35-foot deep bay located in the western half of the service area, which will also include space for a fire pump, recycling storage and a trash compactor. The eastern half of the service area will include a 10-foot wide by 83-foot deep loading berth that could accommodate two 10 X 35-foot delivery trucks, parking for two tour buses, or one 55-foot semi truck. A fourth 10-foot wide by 35-foot deep loading area is proposed outside the building along the north side of the private drive and west of the entrance to the enclosed dock.

The Zoning Ordinance requires that the proposed hotel provide four 10-foot wide by 35-foot deep loading spaces, which the revised development plans now meet, though in a slightly different configuration than would be required by the ordinance. Whereas the Zoning Ordinance requires the four loading spaces to each be open and unobstructed, the developer proposed to stack two of the four spaces proposed in a 10-foot wide by 83-foot deep area. The PUD zoning district allows the amount of loading to serve a project to be varied from what would otherwise be required under the Zoning Ordinance. Staff believes that PUD zoning also allows for increased flexibility in how loading for a project is provided. While the stacked loading stall proposal creates a unique loading configuration, the applicant aptly points out that it will allow for the parking of a 55-foot long semi truck in the service area, which is not required by zoning but may be very useful for the operation of the hotel development. The overall loading plans for the hotel also call for all truck maneuvering to occur on the hotel site, which should limit or eliminate any impacts on City streets from this aspect of the development.

The TDM document also indicates that shuttles and buses visiting the hotel will utilize the private drive opposite Langdon Street to load and unload visitors to the hotel, preserving the auto court turnaround for short-term loading and unloading of hotel visitors arriving by car.

The developer has also provided details in the recently submitted TDM document that specify the ADA-compliant accessible route that will be provided through the hotel to the lake, which was identified as a critical missing element when the project was reviewed for the February 8 Plan Commission meeting. The proposed accessible route through the hotel identified on pages 15-17 of the March 10, 2010 TDM document call for accessible routes to extend through the new hotel tower from the auto court at Lower

Level 1 and from Langdon Street at Floor 1 down to Lower Level 6 through the hotel's elevators. At Lower Level 6, the route exits from a door on the north wall of the lowest level of the tower onto an ADA-compliant ramp leading down to the lakeshore path. The original 1946 hotel tower will also be accessible from the auto court and Langdon Street through the new hotel tower, either by crossing the public plaza at Lower Level 2 or by utilizing the indoor path between the two towers at Lower Level 5.

Transportation demand strategies for the hotel development are broken down into sections: daily operations and for peak periods of activity at the hotel. The TDM strategies for daily operations include: the designation of a transportation coordinator who will be responsible for providing transportation-related information for hotel staff and guests and serving as the hotel's liaison with the City for major events; a car service for hotel guests arriving to the airport or bus station; promoting use of transit, and; the sharing of parking with NGL. Strategies for peak periods at the hotel will include traffic management at the Wisconsin Avenue-Langdon Street intersection and the use of parking valets on the auto court and private drive opposite Langdon Street, requiring employees to park off-site during some events and coordination of parking and shuttle needs between the hotel transportation coordinator and the organizer of a special event at the hotel.

Review Against Criteria 2: Economic impact: [The] Planned unit development district shall not adversely affect the economic prosperity of the City or the area of the City where the planned unit development is proposed, including the cost of providing municipal services.

Planning staff believes that the proposed redevelopment of the Edgewater Hotel can comply with this approval criterion. The project has requested tax increment financing assistance to help offset the creation of the public plaza and construction of the improved public access to the lake and underground parking as part of the overall development. Staff does not believe this request for public assistance, which will be considered by the Board of Estimates and Common Council, should affect the Plan Commission's ability to find this criterion met. Staff further notes that other planned unit developments approved in recent years, including University Square and Block 51/ Capitol West, have also received tax increment financing as part of those projects.

Review Against Criteria 3: Preservation and maintenance of open space. In a planned unit development district adequate provision for the improvement and continuing preservation and maintenance of attractive open space shall be made.

Staff believes that the proposed Edgewater Hotel redevelopment and expansion complies with this approval criterion. The proposal calls for a prominent plaza space to be constructed at the center of the site that will be facilitated by the removal of one floor of the 1972 addition to the hotel. The lowering of a portion of the existing hotel to create the plaza will also create an improved view of Lake Mendota looking directly down Wisconsin Avenue. The proposed Edgewater redevelopment also calls for a new public staircase to be provided along the westerly side of Wisconsin Avenue (extended), which is intended to provide a more direct and aesthetically pleasing route down to the lake's edge than the existing accommodation, which extends along the eastern wall of the 1970's addition as a somewhat secluded and narrow metal stair.

Operation of these public elements will be governed by a maintenance agreement between the developer and City subsequent to the approval of the development. In documents submitted during the review of the planned unit development, the applicant indicates that the construction, security and maintenance of the public elements will be the hotel's responsibility and that the public spaces will be available to the general public from 6:00 a.m. to 11:00 p.m. 365 days a year. However, the application

materials also note that the developer will have the sole right to book the public and private events in the public spaces, including “major events”, which may cause certain of the public spaces to be closed or limited to the general public. The developer indicates that access to the stair to the lake and the accessible route to the lake through the hotel will be preserved in all cases.

Staff generally believes that the Plan Commission can find this criterion for approval met for the purposes of approving the planned unit development, though additional details regarding the design, construction and future operation of the public elements of the Edgewater Hotel development as approved by the Common Council will need to be finalized prior to the recording of the PUD and the issuance of building permits. These details include the final configuration of the public lakefront easement access along the entire lakeshore of the development to accommodate a pedestrian/ bicycle path; the use, maintenance and delineation of the public versus semi-public versus private spaces, and; the execution of the maintenance agreement between the developer and the City.

Review Against Criteria 4: Implementation schedule: A planned unit development district shall include suitable assurances that each phase could be completed in a manner which would not result in an adverse effect upon the community as a result of termination at that point.

The requirement to provide proof of financial capability is required as part of the issuance of City funds under the proposed tax increment financing request. However, the Planning Division believes it would be appropriate to also invoke the provision in the planned unit development section of the Zoning Ordinance that requires the developer to provide proof of financial capability to ensure that the entire project will be built as proposed if approved given its scope and scale and significant location in the City. A condition of approval is recommended that would require the developer to submit proof of financing and executed contracts with construction firms for the entire scope of the project prior to the recording of the planned unit development and the issuance of any building permits that would provide suitable assurances that the entire project can be constructed at least up to and including the issuance of Certificates of Occupancy for the hotel and other elements of the project.

Recommendation by the Urban Design Commission on the PUD

MGO Section 33.24 (4)(b) requires that the Urban Design Commission (UDC) review the design of all developments that are considered planned developments in the Zoning Ordinance, including planned unit developments and report its findings to the Plan Commission and Common Council.

On March 17, 2010, the Urban Design Commission recommended initial approval of the proposed PUD on a 5-4 vote. A recommendation of *initial* approval by the UDC typically signifies that the mass, scale, height, site plan and landscaping concept for a development and the relationship of the proposed to its project development context is appropriate, while a recommendation of *final* approval signifies that the final architecture, building materials, landscaping plan, lighting, signage and all plan details of a project are finalized and appropriate. In discussing the motion to recommend initial approval to the Plan Commission and Council, some members of the UDC noted that they felt the scale, mass and height of the new hotel tower was compatible with its surroundings and appropriate and that it met the criteria of approval for planned unit developments, while other members noted that they believed it was incompatible and did not meet the approval criteria.

In making its findings and recommendations, the UDC emphasized that significant additional details were required regarding the landscaping plan, the design of the plaza, building architecture, etc. in

order for the Commission to be able to grant final approval of the project. A condition of approval requiring that the developer receive final approval is included in the last section of this report.

UDC reports related to Edgewater Hotel redevelopment dated August 5, September 2 and November 4, 2009 and January 20, February 3 and February 17, 2010 are attached. A report of the March 17 meeting will be provided to the Plan Commission as soon as it is available.

Conformance with the Waterfront Development Standards and Conditional Use Standards:

The waterfront development standards were first added to the Zoning Ordinance in 1974 and were established to "further the maintenance of safe and healthful conditions, prevent and control water pollution, protect spawning grounds, fish and aquatic life by controlling building sites, the placement of structures and land users and reserving shore cover and natural beauty for all waterfront and shoreland development." No waterfront development may be permitted without first obtaining a conditional use permit pursuant to the procedures and standards set forth in Section 28.12(11) of the Zoning Ordinance and the following standards:

1. For purposes of this section, the existing development pattern shall mean the average setback of the 5 developed zoning lots to each side of the proposed development lot. For all zoning lots, the principal building setback shall be not less than the existing development pattern.
2. Upon the filing of an application for a conditional use permit, the development plan shall show a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip 35 feet inland from the normal waterline. On any zoning lot not more than 30% of the frontage shall be cleared of trees and shrubbery. Within the waterfront setback, requirements tree and shrub cutting shall be limited by consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.
3. Any building development for habitation shall be served with public sanitary sewer.
4. Filling, grading and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured.
5. Where the City's adopted [Comprehensive] Plan includes a pedestrian walkway or bike path along the shoreline, the proposed development shall not interfere with its proposed location.
6. Construction of marine retaining walls or bulkhead may be permitted providing such construction does not protrude beyond the established shoreline of the adjacent properties. Said retaining walls and bulkheads will be permitted only for the purpose of preventing shoreline recession. The filling and grading of the shoreline shall occur only in the construction of such retaining walls or bulkheads.
7. In addition to complying with the above standards, boathouses shall not be constructed for human habitation.

Standard #1 of the above standards was recently revised by a zoning text amendment passed by the Common Council on February 23, 2010. The amendment continues to require that new waterfront development on zoning lots where the principal use is residential, where the zoning lot is vacant, or where proposed development consists of the construction of a new principal building that the setback from the water be not less than the average setback of the 5 developed zoning lots to each side of the proposed zoning lot. However, the amendment allows the applicant on all other waterfront zoning lots to choose for the location of any additions, alterations, or expansions of an existing principal building a setback from the water that is not less than 75 feet or the setback of the existing building that is being added to, altered, or expanded. (ORD-10-00024, Legislative File ID 17096) Passage of this zoning text amendment eliminates the need for the new hotel tower to receive a waterfront development setback variance prior to the project proceeding.

Any application for approval of a waterfront development conditional use requires the applicant to provide a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In this case, approximately half of the now 2.23-acre proposed zoning lot adjacent to Lake Mendota has already been developed, with the original 1946 hotel and 1972 addition constructed on the westerly 1.09-acres at their present setbacks adjacent to the lake prior to the enactment of the waterfront development standards. The construction proposed along the eastern portion of the subject site will impact approximately 65 feet of lake frontage the developer will be purchasing from NGL. The project calls for the removal of all of the existing vegetation in the 41-foot deep area between the base of the new tower, which steps back from the front of the 1970's addition, and the water's edge. A revised tree inventory was submitted to the City for review with the revised development plans that show that 38 trees over 8-inches in diameter will be removed as part of the project. The trees to be removed include trees located on the portion of the heavily wooded slope located east of the existing Edgewater Hotel that the developer proposes to purchase from NGL, as well as the parking lot trees that surround the 18-stall NGL lot adjacent to Wisconsin Avenue, which will be occupied by the newly proposed parking garage. The trees, which are identified on sheet A4.03, are distinguished as "planted landscape trees" and "volunteer landscape trees." Trees in the first category include linden, crabapple, maple and birch, and all are rated in "good" or "fair" condition. Trees in the latter category include poplar, elm and ash trees, with most of the 26 trees in the second category rated as "poor" or "fair" by the certified arborist who prepared the inventory. While the inventory does not specifically address the other vegetation present on the site, it does note the presence of undergrowth in the affected area, which will also be removed as part of the development.

Details of the finished grades and final landscaping of the area in front of the base of the new tower are still being developed, although the materials provided to date suggest that the accessible entrance and ADA-compliant ramp to the lakefront will extend across the front elevation of the base of the new tower in a well-landscaped area. The existing walkway paralleling the lake's edge will be extended across the remainder of the site under the plan.

Planning Division staff believes that the standards for waterfront development could be found to be met with the Edgewater Hotel project. While the standards call for the removal of this vegetation to be limited to 30% of the frontage, it also requires that such removal be limited by consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland. The end state will result in a replanting of the lakefront based on the approved landscaping plan.

Staff from the City Engineering Division has reviewed the proposed Edgewater project with regard to its City stormwater regulatory requirements. Stormwater from this development requires construction site

erosion control, control of total suspended solids (TSS), and oil and grease control. Infiltration and stormwater detention are not required. As this watershed area is currently served by very limited stormwater treatment systems (one catchbasin), it is expected that TSS control and oil and grease removal will both be improved as compared to existing conditions as a result of this development. Based on these criteria lake water quality will be improved by this project.

In addition to the Waterfront Development Standards all waterfront development must be approved as a conditional use in accordance with the Conditional Use Standards (copies of which Commission members have available to refer to). The Conditional Use Standards indicate that no application for a conditional use shall be granted by the Plan Commission unless the Commission finds that all of the following conditions are present, and then refers to the eleven standards. The Plan Commission should review the project against all of the conditional use standards. Of particular note are Standards 1, 3, 4, 5, and 6. Standards 5 and 6 relate to the provision of adequate utilities and infrastructure including roads, drainage, parking supply, and internal circulation improvements. Standard 6 relates to measures which have been or will be taken to provide adequate ingress and egress including off-site improvements designed to minimize traffic congestion and ensure public safety and adequate traffic flow, both on-site and on the public streets. The City's Engineering Division and Traffic Engineering Division have recommended conditions of approval for this project.

Conditional use standard #1 states that the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare. Staff believes that the Plan Commission could find that this standard is met with the addition of appropriate conditions of approval as recommended by the Planning Division and other reviewing agencies.

Conditional use standard #3 indicates that the uses, values, and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use. Concerns have been expressed by some neighbors of the property concerning the enjoyment of their properties in relationship to the proposed project being built. Concerns have been expressed about potential traffic impacts, bus parking, accommodations of delivery vehicles, and blockage of view corridors, to name several. The Plan Commission will need to carefully consider the testimony provided at the public hearing, materials submitted by both the applicant and those in opposition to this project, and the comments by staff in determining whether this standard can be met or if changes to the project will be required in order for the Commission to conclude that the standard can be met.

Conditional use standard #4 states that the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Planning Division staff believes that the Commission can find that this standard is met. Many of the properties in close proximity to the project are already developed and all are located in the Mansion Hill Historic District. While it may have been ideal to have an overall plan for all of the National Guardian Life property to consider as part of this planned unit development, staff believe that such a plan is not required in order to conclude that this standard is met. The remainder of the NGL property can still be developed in accordance with the existing zoning on the property, future zoning that will be provided as part of the comprehensive rezoning of properties within the City as part of the rewriting of the Zoning Ordinance, and in consideration of the recommendations within the City's adopted plans including the anticipated new Downtown Plan.

Staff also notes that continuing jurisdiction attaches to this project by virtue of its status as a waterfront development conditional use, as specified in Section of 28.12(11)(h)4 of the Zoning Ordinance.

Continuing jurisdiction provides the Plan Commission with the ability to address any potential issues that might arise related to the operation of the greater development. In addition, staff recommends that the list of uses permitted within the PUD zoning text be revised to specifically list outdoor eating and recreation areas for the hotel, including future use of the hotel tower roof for hotel/ guest functions, as conditional uses. While it is rare for conditional uses to be specifically enumerated in PUD zoning, staff feels that it may be appropriate in this case to segregate those uses that may have the potential to create concerns and future complaints in the surrounding neighborhood in a fashion similar to the way those uses would be governed under a conventional zoning district. Such a specific treatment for the Edgewater Hotel will also allow the Plan Commission to tailor specific operating provisions such as hours of operations and use of outdoor amplified sound as conditions warrant and specifically address any future complaints directly using continuing jurisdiction. This would also be possible under the waterfront development conditional use.

Conclusion

The applicant is requesting approval to rezone 2.23 acres of property located at the northern end of Wisconsin Avenue in the Mansion Hill Historic District from R6H and HIST-MH OR to PUD-GDP-SIP to facilitate the redevelopment and expansion of the existing Edgewater Hotel. In all, the project calls for the renovation of the original 1946 hotel and addition of one story, modifications to the portion of the hotel added in 1972, construction of a new hotel tower on the eastern portion of the site, and the addition of a 205-stall underground parking garage. Because the existing Edgewater Hotel and proposed expansion abuts Lake Mendota, the project also requires approval of a conditional use for waterfront development.

The applications before the Commission demand a very careful review against the applicable standards in the Zoning Ordinance. As outlined above, the project requires two distinct but interrelated approvals: approval of a zoning map amendment to Planned Unit Development zoning and approval of a conditional use for waterfront development. In order to approve the overall project, the Plan Commission will need to find that the standards for zoning map amendments, planned unit developments, waterfront development and conditional uses are all met with the proposal.

Planning staff has reviewed the project against the standards for waterfront development and conditional uses and generally believes that the Plan Commission could find those standards met if appropriate conditions are applied to the project, and if the applicant makes any changes to the project determined necessary by the Plan Commission. Staff does not believe the project will have an adverse impact on the normal and orderly development of surrounding properties, although it does recommend that certain outdoor uses proposed in the development be made conditional uses in the zoning text to allow the Plan Commission to directly address any potential future issues that might arise related to the development from the future use of the roof for hotel functions and from the various outdoor eating areas on the subject site. [Note: The outdoor eating areas for the two restaurants, café, club level and ballroom shown on the March 10, 2010 plans will receive their conditional use approval if the project is approved as presented; a subsequent conditional use approval would only be required for newly proposed outdoor eating areas or rooftop uses of the new hotel tower.] The Plan Commission will need to determine, based on testimony at the public hearing and after considering all the information provided, whether any changes to the project are needed to ensure that it does not substantially impair the uses, values and enjoyment of other properties in the area.

Regarding the proposed rezoning of the site to PUD-GDP-SIP, a determination must be made whether the essential bulk and form of the building proposed and its location on the site can meet the standards for zoning map amendments and planned unit developments. The standards for zoning map amendments require the Plan Commission to find the zoning map amendment in the public interest. As of January 1, 2010, the City's action on zoning map amendments must also be found to be consistent with the Comprehensive Plan. The criteria for approval of a planned unit development require the Plan Commission to consider the character and intensity of development and its compatibility with the area and the project's potential to produce significant community benefits in terms of environmental and aesthetic design, as is called for by the Zoning Ordinance.

The project's consistency with the Comprehensive Plan must also be considered in light of a series of other broader land use goals, policies and recommendations. While elements of the project appear to achieve recommendations in the plan that call for primary views to terminate at important buildings, distinctive architectural elements, natural features, parks or open spaces, for increased and improved public access to the lakefronts, and the creation of high-quality public open spaces, including plazas maintained on private property, the size and placement of the proposed new tower would also constrain the views from other vantage points, in particular the Wisconsin Avenue view corridor between the State Capitol to Lake Mendota, and from the lake to the Capitol. The Comprehensive Plan recommends that incursions by development that would degrade the views to and from the lakes, rivers and creeks be avoided and that views and vistas of significant value, such as views of the lakes and the Capitol, be treated sensitively. The Comprehensive Plan also recommends that new development be complementary to and compatible with the existing and planned characteristics of the surrounding neighborhood, and the recommendation that infill development be designed to be compatible with the architectural character and scale of existing development. This point is most germane in the consideration of the scale and character of the new tower on the eastern portion of the site, which will be considerably greater in scale to most other buildings in the surrounding neighborhood. The developer has made significant revisions to the development proposal since February 8, including the shifting of Floors 2-8 of the new hotel tower approximately 13-21 feet off of the right of way line of Wisconsin Avenue and relocating and improving the auto court and parking facilities. The Plan Commission will need to carefully consider the physical compatibility of the new hotel tower and the physical nature of the site and area in order to find that the standards of approval are met.

Regarding the compatibility with the Comprehensive Plan, staff recommends that the Plan Commission carefully consider the language included in the Plan that indicates that the land use recommendations in the plan should be considered preliminary until more detailed plans for the Downtown are developed and the section of the plan which indicates that the maps are a representation of the recommended pattern of future land use at a large scale and are not intended for application on a parcel-by-parcel basis, nor should they be interpreted as similar to a zoning district map. Given that the recommended land uses are generalized and that the exact boundaries between one category and another are often only approximate, Planning staff believes that the Plan Commission could make a finding that the proposed planned unit development is consistent with the Comprehensive Plan given the review of the proposal against the goals, objectives, and policies within the plan, and the land use and height recommendations contained within the districts related to this property. However, the Plan Commission and the Common Council should consider this information and any other information provided and make their determination as part of the consideration of the PUD zoning map amendment and, if necessary, request modifications to the project, which will allow the Commission and Council to make this determination.

The Edgewater Hotel project has become one of the most contentious land use proposals the City has considered in recent memory. On the one hand, the proposal represents an exciting opportunity for the downtown and the community has a whole to revitalize one of the downtown's signature properties. The project, if approved, will result in significant benefits to the public including the restoration of the 1946 original Edgewater Hotel, the removal of the top floor of the 1970's addition, the improvement of views to the lake from certain locations, increased pedestrian accessibility to the lakefront, the provision of additional usable open space on the rooftop plaza, and the construction of a new hotel tower which will be an asset to the downtown. While the substantial benefits have been discussed at length by proponents of the project, there have been significant concerns expressed by those who oppose the project. Issues related to the placement of the new tower adjacent or close to the existing and vacated portions of Wisconsin Avenue, impacts on the view corridor, the height of the new tower, the overall mass of the new building, accommodations for delivery vehicles and bus parking, the adequacy of access to the lakefront, and the adequacy of the plan for the plaza have all been raised as significant concerns that some want to see further addressed prior to the project being approved.

While other concerns remain, it appears that the two most significant issues related to the project relate to the height and mass of the new tower and its location adjacent to the Wisconsin Avenue right of way and that portion of the right of way, which was vacated in 1965. Staff stated previously that some of these issues could be mitigated by setting the building back further from Wisconsin Avenue, which the developer has done since the earlier review and hearing on this project in February. However, the Plan Commission will need to determine if the increased setback from the right of way is sufficient enough to offset the scale and mass of the new tower, or if an additional setback is necessary or the height of the building should be lowered.

The Plan Commission will need to consider the proposed project against the standards for approval of a planned unit development when making its recommendation to the Common Council. If the Plan Commission can find that all of the standards for approval are met, then a recommendation for approval should be forwarded to the Common Council. If the Commission believes that additional changes should be made to the project then the Commission can choose to recommend approval of the project subject to those changes being made or can recommend referral pending the changes being made for review by the Commission. The Commission will also need to make findings and a decision on the waterfront development conditional use permit as well.

Instructions & Recommendation

The Edgewater Hotel redevelopment has been handled as one project for the purposes of providing public notice and agency review. However, it will require two interrelated land use actions by the Plan Commission. In order for the project to proceed, the Plan Commission will need to make an affirmative finding for both the rezoning to PUD-GDP-SIP and the waterfront development conditional use.

If the Plan Commission can find the standards for approval for zoning map amendments and planned unit developments met and the proposed rezoning consistent with the Comprehensive Plan, the Planning Division recommends that it forward [Substitute] Zoning Map Amendment ID 3453 & 3454, rezoning 666 Wisconsin Avenue and a portion of 2 E. Gilman Street from R6H (General Residence District) and HIST-MH OR (Mansion Hill Historic District/Office Residence District) to PUD-GDP-SIP (ID 15955), with a recommendation of approval.

If the Plan Commission also finds that the conditional use and waterfront development standards are met for the Edgewater Hotel redevelopment, it should approve the conditional use. Plan Commission actions in the affirmative of both the planned unit development zoning and conditional use shall be subject to input at the public hearing and the Planning Division conditions and conditions from reviewing agencies that follow in the next section.

Should the Commission find the applicable standards *not* met for the Edgewater Hotel redevelopment project, it should cite for the record which specific standards are not met and refer both the planned unit development and conditional use applications with directions to the developer regarding the specific changes the Commission believes are needed in order for the for the standards to be met.

The Plan Commission should make a corresponding recommendation to the Common Council on Legislative File ID 17101 amending the 1965 ordinance vacating Wisconsin Avenue. Staff recommends that the amended vacation ordinance not become effective unless the PUD zoning of the Edgewater Hotel development is recorded.

Conditions of Approval & General Ordinance Requirements

Major/Non-Standard Conditions are shaded

[Note: The plans for the revised and enlarged Edgewater Hotel development have been reviewed by City agencies, and the comments and conditions below from the Planning, City Engineering and Traffic Engineering divisions and the memo from the Zoning Administrator reflects the changes to the project being proposed.]

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

1. That the developer receive all necessary approvals from the State of Wisconsin for any existing or proposed future projections into Lake Mendota or modifications to the lakeshore. The final recorded development plans shall show these projections only as approved by the State.
2. That the developer receive final approval of the proposed ADA-compliant accessible route through the proposed hotel complex to Lake Mendota and the central plaza from the Director of the Planning Division in consultation with the Director of the Building Inspection Division prior to final approval and recording of the planned unit development.
3. That the developer and NGL submit a Certified Survey Map (CSM) of their entire ownerships for City approval prior to the submittal of the final planned unit development documents for recording. The CSM shall reflect the proposed lot configuration following the sale of NGL lands to the applicant and shall include any easements to be dedicated to the public to facilitate implementation of the project, except as separately required in these conditions of approval. The approved CSM shall be recorded immediately following final approval and recording of the planned unit development.
4. That the property owner(s) execute all easements deemed necessary by the Common Council to assure the public's access as included in the approved development. Acceptance of these easements shall occur prior to the release or modification of any existing public easements, with all new recorded easements to be reflected on the final CSM required in the preceding condition.

5. That the developer enter into a Use and Maintenance Agreement with the City as required by the Common Council to address the use, operation and maintenance of the various public and semi-public spaces included with the proposed development. This agreement shall be reviewed by the Plan Commission and approved by the Common Council prior to the final approval and recording of the planned unit development.
6. That the developer submit proof of financing and executed contracts with construction firms for the entire scope of the project, which provide assurances that the entirety of the project will be completed once started, in a form acceptable to the Director of the Department of Planning and Community & Economic Development prior to the recording of the planned unit development and the issuance of any building permits. For the purposes of this condition, the entire scope of the project shall mean all excavation; site utility construction; construction of improvements in the public right of way and on the zoning lot; structural, electrical, plumbing and mechanical construction, and; any other building improvements and furnishings required by the Director of the Building Inspection Division for the issuance of Certificates of Occupancy for the project.
7. That the developer receive all necessary approvals from the City of Madison for any encroachments into the Wisconsin Avenue right of way such as underground parking, utility vaults, terraces, stairs, overhangs, projections, etc. prior to the final staff approval and recording of the planned unit development.
8. That the zoning text be revised prior to recording per Planning Division approval as follows:
 - 8a. a "Statement of Purpose" section that reads as follows shall be added: "The following Zoning Text has been prepared on behalf of Midwest Realty and Investment Corporation for the Edgewater Hotel Planned Unit Development District, which has been established to allow for the redevelopment and expansion of the Edgewater Hotel, located at 666 Wisconsin Avenue in Madison, as more particularly described on the attached Legal Description incorporated herein by reference as Exhibit I and in the Letter of Intent for the project.";
 - 8b. the Rooftop Installations section be revised to add that the placement of the listed equipment will require the prior approval of alterations as provided for in the Alterations and Revisions section of the zoning text;
 - 8c. that the list of permitted uses for the development be further revised as follows and as finalized and approved by staff prior to recording of the PUD:
 - State "Multi-family residences, limited to no more than 10 units as stated in the Letter of Intent"
 - Specify which uses permitted in the OR district that the developer wishes to include in the PUD
 - Specify/ enumerate the types and/ or nature of the "Limited Retail Uses to Service the Project"
 - Specify that "Outdoor open spaces and terraces" shall be as shown on the approved plans
 - Remove "rooftop installations"
 - Privately owned non-accessory parking facilities for the parking of private passenger automobiles
 - 8d. that a list of conditional uses for the development be included as follows and as finalized and approved by staff prior to recording of the PUD:
 - Outdoor eating areas as shown on the approved plans [Note: The outdoor eating areas for the two restaurants, café, club level and ballroom shown on the March 10, 2010 plans will be deemed approved conditional uses if the project is approved as presented.]

-Use of the hotel tower roof for hotel/ guest functions, including for outdoor eating and recreation

- 8e. that the Floor Area Ratio/ Building Height section be revised to read "The estimated floor area ratio is 2.72 and as shown on approved plans";
 - 8f. that the Off-Street Parking and Loading section be revised to read "As shown on approved plans";
 - 8g. that signage be limited to the maximum allowed in the C1 zoning district, subject to approval by the Urban Design Commission and Zoning Administrator;
 - 8h. that the "Additional Leased Area" section be removed as it is not on the subject zoning lot;
 - 8i. that information describing how the proposed hotel parking facilities may be shared in the future with National Guardian Life be included in the final zoning text, to be approved by Planning staff.
9. That the site plan (Sheet C1.06) be revised prior to recording to show the setback of the new hotel tower from the existing and vacated right of way lines of Wisconsin Avenue (at Floor 1) and from a minimum of 3 locations along the lakeshore.
10. That the development plans be revised prior to recording per Planning Division approval to show the location and arrangement of bike parking to serve the project as required by 28.11 of the Zoning Ordinance.
11. That the configuration and final design of a clearly delineated and publicly accessible pedestrian path extending the full lake frontage of the subject parcel be approved as part of the final planned unit development. The final location of this path shall be located within an easement dedicated to the City and shall be remain free of any obstructions, including proposed outdoor eating areas.
12. That the final project landscaping plan and vegetation removal and grading plans adjacent to Lake Mendota be approved by the Planning Division prior to final approval and recording of the planned unit development.
13. That the applicant receive final approval of the development from the Urban Design Commission prior to final approval and recording of the planned unit development. An appeal of this decision of the Urban Design Commission may be taken to the Plan Commission by the applicant or by the Alderperson of the District in which the project is located and shall state the reasons for the appeal. Any appeal shall stay the final approval and recording of the planned unit development and issuance of permits until the appeal has been acted upon by the Plan Commission.
14. That a revised Transportation Demand Management (TDM) Plan be submitted for approval by the City Traffic Engineer and Director of the Planning Division prior to final signoff of the planned unit development and issuance of building permits. The revised TDM should further elaborate on the strategies the developer will use to reduce automobile trips and increase alternative modal share, particularly for hotel employees.
15. That the developer revise the planned unit development for Planning Division approval prior to final signoff and recording that describes the future use of and connection between the hotel's parking garage and NGL's existing under-building parking structure. Such future connection between these two structure may require approval of an alteration to the Edgewater project as well as approval of a rezoning of the nonconforming R6H-zoned NGL property.

16. That the ordinance amending the vacation of Wisconsin Avenue (ID #17101) be amended to include language that the amended ordinance not become effective unless the subject planned unit development be recorded.

The following conditions have been submitted by reviewing agencies:

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

17. The applicant shall work with the City on accessibility issues for the plaza area and shall make modifications to the plan to provide improved access for disabled individuals as required by the City.
18. The applicant shall review with the City Engineer the improvements within the public right of way, easements, and other public ownership and shall make modifications to the details of those spaces if required by the City Engineer.
19. The applicant shall enter into agreements for maintenance of public right of way, easements and other public ownership as required by the City Engineer.
20. The applicant shall grant all necessary easements or access as determined by the City Engineer and the City Attorney and as required to facilitate the public's use of the proposed public spaces including the plaza, elevators, stairways, and the lake shore path.
21. The applicant shall close all abandoned driveways on Langdon Street by replacing the curb in front of the driveway and restoring the terrace (the area between the curb and sidewalk) with grass.
22. The applicant shall show the existing 6-foot public easement located along the shoreline on the proposed site plan and verify the existing/proposed walk is within the existing easement. If the path location is outside the existing easement then the easement shall be modified appropriately.
23. The proposed relocation of the public storm sewer is not maintainable under the proposed steps. Provide alternatives to address the maintenance of the storm sewer.
24. This redevelopment may require various permits from the Wisconsin Department of Natural Resources and US Army Corps of Engineers. The applicant shall provide copies of all required permits prior to approval.
25. All utility work (storm sewer, sanitary sewer and water) shall be included in the Development Agreement.
26. The applicant shall provide estimates sanitary flow calculations for the new hotel to determine if the existing City sanitary sewer has adequate capacity for this hotel development.
27. If the proposed development is connecting to new sanitary sewer equals or exceeds 54 dwelling fixture units, the owner shall obtain Water Quality Certification from the Capital Area Regional Plan Commission.
28. The construction of this development will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City/

Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer 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. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project. (Per MGO 16.23(9)c)

29. The applicant shall make improvements to Langdon Street and Wisconsin Avenue in order to facilitate ingress and egress to the development.
30. The approval of this planned unit development does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester. (Per MGO 16.23(9)(d)(6))
31. The applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
32. The applicant shall replace all sidewalk and curb and gutter that abuts the property, which is damaged by the construction or any sidewalk and curb and gutter that the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction.
33. The applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
34. All work in the public right of way shall be performed by a City-licensed contractor. (Per MGO 23.01)
35. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry. Please submit a tree planting plan in PDF format to Dean Kahl, of the City Parks Department - dkahl@cityofmadison.com or 266-4816.
36. The site plans shall be revised to show the location of all rain gutter down spout discharges.
37. The applicant shall show stormwater "overflow" paths that will safely route runoff when the storm sewer is at capacity.
38. 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.

39. Effective January 1, 2010, the Department of Commerce's authority to permit commercial sites, with over one acre of disturbance for stormwater management and erosion control has been transferred to the Wisconsin Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR-216 and NR-151, but a separate permit submittal is now required from the WDNR for this work as well. As this site is greater than one acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the DNR, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Please contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.
40. If the lots within this site plan are interdependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site, an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan, and recorded at the Dane County Register of Deeds.
41. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: detain the 2 & 10-year storm events; control 40% TSS (20 micron particle) off of new paved surfaces; provide oil & grease control from the first 1/2" of runoff from parking areas, 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.
42. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) izenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.
43. 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).
44. 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.
45. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.

46. The site plan shall be revised 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.

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

47. The applicant shall finalize the details of the Transportation Demand Management (TDM) Plan and the plan's incentives to reduce automobile trips and increase alternative modal share with the City Traffic Engineer prior to site plan approval.
48. The applicant shall enter into a Developer Agreement for the planned improvements to upgrade Wisconsin Avenue and Langdon Street prior to final approval, and post a deposit and surety to pay for the work.
49. The approval of this PUD-GDP-SIP does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and Common Council for the restoration of the public right of way including any changes requested by the developer.
50. Edgewater parking rates for the general public (not tenants, customers or hotel guests): The developer shall execute a parking rate agreement with the Parking Utility to ensure that parking rates charged to the general public in the project's TIF-funded ramp are not less than the rates charged by the Parking Utility. "General public" shall be defined to mean parkers other than hotel guests, visitors and employees. In the past the Parking Utility has secured a similar agreement with a developer that received TIF funds to reduce the cost of the development's parking facility. Without such an agreement, publicly subsidized private parking structures could undercut the Parking Utility's parking rates and negatively impact its revenues. The agreement shall cover leased, monthly, daily and hourly rates. Please contact Bill Knobeloch, Parking Operations Manager at 266-4761 if you have questions regarding this condition.
51. The applicant shall submit a signage plan to show public lake ingress and egress access from Wisconsin Avenue to Lake frontage and back. In addition, the applicant will need show signage for accessible routes.
52. The applicant shall provide a recorded easement or agreement to accommodate public lake access. The applicant shall graphically show the public access on the site plans and recorded PUD-GDP-SIP.
53. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2-foot overhang, and a scaled drawing at 1" = 20'.
54. When site plans are submitted for approval, the developer shall provide recorded copies of the joint driveway ingress/egress and easements.

55. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
56. The street type approaches at Wisconsin Avenue and Langdon Street shall be reviewed and approved by the City Traffic Engineer and City Engineering Division. In addition, the applicant shall be responsible financially to maintain pavement marking as approved by the City Traffic Engineer. The applicant shall at all times maintain crosswalks, stop bars and lane lines, signage and included in the geometrically special design "Street Type Entrance." The applicant shall provide a detail 1" = 20' drawing of the "Street Type Entrance." The applicant shall show, lane dimensions, lane line color and width according to the Federal Highway Administration "Manual On Uniform Traffic Devices." in epoxy for lane lines, 12" cross walks lines, 24" stop bars, pavement markings details and signage to as approved by the City Traffic Engineer. In addition, a note shall be shown on the plan, "All Pavement Marking Shall Be Installed In Epoxy And Maintained By The Property Owner."
57. The driveway and site design at Wisconsin Ave shall be so designed so as not to violate the City's sight triangle preservation requirement, which states that on a corner lot no structure, screening, or embankment of any kind shall be erected, placed, maintained or grown between the heights of 30 inches and 10 feet above the curb level or its equivalent within the triangle space formed by the two intersecting street lines or their projections and a line joining points on such street lines located a minimum of 25 feet from the street intersection in order to provide adequate vehicular vision clearance.
58. Traffic signal/street light declaration of conditions and covenants shall be executed and returned with the final site plans. The development shall acknowledge their proportionate share of traffic signal assessments, as may be planned in a future year. The development shall further agree in writing to not oppose their proportionate share of the traffic signal assessments as part of the City's Special Assessment districts for traffic signals.
59. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
60. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator

→ See the attached March 19, 2010 memo from Matt Tucker, Zoning Administrator, which includes the Zoning Office's recommended conditions of approval for the revised and large development project.

Parks Division (Contact Tom Maglio, 266-4711)

61. The conversion of a portion of the top two floors of the new hotel tower into residential dwelling units will require the payment of park impact fees prior to the issuance of permits for the conversion. Final park dedication and development fees will be determined for the residential units at the time of the conversion and will be based on the fees due and payable in the year the building permits are

issued for the dwelling unit conversion. The applicant shall acknowledge the requirement to pay park impact fees for the future conversion of a portion of the hotel into dwelling units in the zoning text for the final PUD.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency did not submit comments for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

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

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.