



Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, AICP, Director

Madison Municipal Building, Suite 017
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June 20, 2019

Peter Tan
Strang, Inc.
811 E. Washington Avenue, Suite 200
Madison, Wisconsin 53703

RE: Approval of a request to rezone nine parcels containing approximately 52.1 acres of land located at 3802-4002 Evan Acres Road, 6303 Millpond Road, and 3801, 3902 & 4001 Savannah Road from CC (Commercial Center District) to PD (Planned Development District) and approval of a General Development Plan for the Ho-Chunk Nation "Four Lakes District." The proposed PD district includes the sovereign tribal land addressed as 4002 Evan Acres Road, on which the existing casino is located. (Applicant: Daniel Brown, Ho-Chunk Nation) [LNDUSE-2019-00030; ID 55573]

Dear Mr. Tan;

At its June 18, 2019 meeting, the Common Council **approved** your request to rezone 52 acres of land generally located in the southeastern quadrant of the Interstate 39-90 and US Highways 12 and 18 interchange from CC to PD and approved a General Development Plan for the "Four Lakes District" development subject to the conditions in the following sections, which shall be satisfied prior to final approval and recording of the Planned Development-General Development Plan.

Note: No building permits shall be issued for the site until a Specific Implementation Plan(s) has been approved by the Common Council and recorded.

Please contact Brenda Stanley of the City Engineering Division at 261-9127 if you have any questions regarding the following twenty-one (21) items:

1. The proposed building improvements will have impacts on the City's sanitary sewer. The building improvements (conference center) appear to be built directly on top of the City sewer. The developer shall relocate the sewer so that it is not in conflict with the building improvements.
2. The proposed building improvements will have impacts on the City's storm sewer. The building improvements appear to be built directly on top of the City storm sewer. The developer shall relocate the storm sewer so that it is not in conflict with the building improvements.
3. The developer shall provide design plans and calculations stamped by Professional Engineer for the pedestrian underpass to show structure passes both 250 psf and H20 AASHTO bridge loading.
4. The developer shall provide City Engineering a Wisconsin Department of Transportation (WisDOT) structural survey inspection report once every two (2) years for the pedestrian underpass.

5. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
6. 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.
7. The construction of this project will require that the applicant shall enter into a City/ Developer agreement for the required infrastructure improvements. The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Note: Obtaining a developers agreement generally takes approximately 4-6 weeks, minimum.
8. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE. The project will be expected to meet a higher standard of erosion control than the minimum standards set by the WDNR in order to comply with TMDL limits.
9. A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and Wisconsin Department of Natural Resources (WDNR) for wetland or floodplain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional floodplain.
10. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number. The digital copies shall be drawn to scale and represent final construction including: building footprints; internal walkway areas; internal site parking areas; other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.); right-of-way lines (public and private); plat name and lot lines (metes & bounds parcel lines if unplatted); platted lot numbers (noted "unplatted lands" if not platted); lot/plat property dimensions; street names; private on-site sanitary sewer utilities (including all connections to public sanitary); private on-site storm sewer utilities (including all connections to public storm). All other levels (contours, elevations, etc.) are not to be included with this file submittal. E-mail CAD file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.
11. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) Building Footprints; b) Internal Walkway Areas; c) Internal Site Parking Areas; d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone,

bituminous/asphalt, concrete, etc.); e) Right-of-Way lines (public and private); f) Lot lines or parcel lines if unplatted; g) Lot numbers or the words unplatted; h) Lot/Plat dimensions; i) Street names; j) Stormwater Management Facilities; k) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

12. Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
13. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0-tons per acre per year.
14. This site appears to disturb over one (1) acre of land and requires a permit from the Wisconsin Department of Natural Resources (WDNR) for stormwater management and erosion control. The City of Madison has been required by the WDNR to review projects for compliance with NR-216 and NR-15; however, a separate permit submittal is still required to the WDNR for this work. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process. Contact Eric Rortvedt of the WDNR at 273-5612 to discuss this requirement.
15. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to detain the 2-, 10-, and 100-year storm events, matching post development rates to predevelopment rates
16. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to reduce TSS by 80% (control the 5-micron particle) off of newly developed areas compared to no controls.
17. Prior to approval, this project shall comply with Chapter 37 of Madison General Ordinances regarding stormwater management. Specifically, this development is required to provide infiltration in accordance with Chapter 37 of Madison General Ordinances.
18. 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 Madison General Ordinances.
19. The developer shall construct Madison Standard street and sidewalk improvements for all streets within the development.
20. The developer shall make improvements as required by City Traffic Engineer to facilitate ingress and egress to the development.
21. The developer shall note that AASHTO design standards for intersection sight distance will be applied during the design of the streets within this development.

Please contact Jeff Quamme of the City Engineering Division—Mapping Section at 266-4097 if you have any questions regarding the following seven (7) items:

22. The developer has requested certain roads be private. Although this may be beneficial to all parties, the details are not yet worked out. If the City ultimately agrees to make certain roads private, the City will need an easement over the private roads for pedestrians, bikes and motor vehicles and the necessary conditions will need to be determined with subsequent approvals.
23. The proposed development if approved in its current form will require the partial vacation and discontinuance of Savannah and Evan Acres Roads. The authorization for the City to vacate the right of ways under 66.1003(4) shall be conditioned upon the approval by the City the future SIP and Certified Survey Maps required for the development to proceed. Note, an Access Easement/Agreement providing access to and from the Sovereign Lands over the existing tribal lands to the remaining public right of ways will be required as a condition of approval for the vacation and discontinuance.
24. There are proposed site and building improvements that will impact the City Water and Sewer Utilities. This will require amendments to existing easements or new easements for any relocated and new public sanitary or water main facilities within the limits of this proposed site.
25. The development proposes buildings that will cross an underlying platted lot lines. Current fire code and City enforcement requires the underlying platted lot line be dissolved by Certified Survey Map (CSM) prior to issuance of a building permit. A CSM and required supporting information shall be prepared and submitted to the City of Madison Planning Department with the future submittal of the future SIP application. The CSM shall be approved by the City and recorded with the Dane County Register of Deeds prior to issuance of a building permit.
26. Per State Statute, the southeasterly half of Savannah Road adjacent to the City of Madison Yahara Hills park lands, upon vacation, would revert to the City of Madison. This land area has been included as part of the development within the plans for this GDP. Any conveyance from the City would require approval by the City of Madison Common Council. If not approved, the site plan would require revision.
27. Coordination with the operator of the gas main that passes through this site will be required. Approval of the proposed improvements will be necessary by the gas main operator that lie within the recorded easement Document Nos. 2110508 and 112301.
28. Depending upon the details of future SIP applications and final plans, additional Real Estate issues may arise as part of those reviews and require coordination with the City of Madison.

Please contact Eric Halvorson of the Traffic Engineering Division at 266-6527 if you have any questions regarding the following nine (9) items:

29. As noted in the memo from the Director of the City of Madison Department of Transportation and City Traffic Engineer dated June 5, 2019, the existing access to the subject site at the intersection of US Highways 12 and 18 and Millpond Road is insufficient to safely accommodate the traffic volumes projected for this development. Additional traffic access solutions acceptable to the City of Madison

and Ho-Chunk Nation shall be agreed upon prior to the approval of any Specific Implementation Plan associated with this Planned Development.

30. The applicant shall work with Traffic Engineering, City Engineering, Parks, and Planning Divisions to accommodate a future southern loop road as depicted in Yahara Hills Neighborhood Development Plan. Currently, it appears Building 5 will be in conflict from the proposed alignment shown in the neighborhood development plan.
31. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
32. The developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City-owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
33. The City Traffic Engineer may require public signing and marking related to the development; the developer shall be financially responsible for such signing and marking.
34. All parking facility design shall conform to the standards in MGO Section 10.08(6).
35. City of Madison radio systems are microwave directional line of sight to remote towers citywide. The building elevation will need to be reviewed by Traffic Engineering to accommodate the microwave sight and building. The applicant shall submit grade and elevations plans if the building exceeds four stories prior to sign-off to be reviewed and approved by Austin Scheib, (266-4766) Traffic Engineering Shop, 1120 Sayle Street. The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign off.
36. The applicant shall note on the face of the GDP that no improvements shown in the public right of way are approved with this plan.
37. The developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.

Please contact Jacob Moskowitz, Assistant Zoning Administrator, at 266-4560 if you have questions about the following ten (10) items:

38. A Planned Development shall comply with all standards, procedures, and regulations of the Zoning Code that are applicable to the individual uses within the development, including the General Regulations of Subchapter 28I and the Supplemental Regulations of Subchapter 28J. Where the

applicant proposes a development that does not comply with one or more of the regulations in those subchapters, they shall specifically request that the Plan Commission consider the application of those regulations in making its recommendations on the development, including specific language in the zoning text or depiction on the plans.

39. This project is designed as a planned multi-use site. Per Section 28.137(2)(a), a planned multi-use site shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
40. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). The Specific Implementation Plan shall show the required accessible stalls including van accessible stalls. A van accessible stall is a minimum of 8 feet wide with an 8-foot wide striped access aisle. Show the required signage at the head of the stalls.
41. Bicycle parking for this project shall be provided per Section 28.141(4) and Table 28I-3 as uses are established for the various spaces in the development. Per Section 28.141(11), required bicycle parking shall comply with short- and long-term bicycle parking requirements for both residential and non-residential uses, to be shown on the final plan sets. Show the dimensions of the bicycle stalls and the access aisles. Note: A bicycle stall is a minimum two (2) feet by six (6) feet with a five (5)-foot wide access area. The access aisle must not be obstructed by vehicles, columns or other structures. Provide a detail of the proposed bike rack including any structured or wall mount bike racks.
42. Pursuant to Sec. 28.142(3), Landscape Plan and Design Standards: Landscape plans for zoning lots greater than 10,000 square feet in size must be prepared by a registered landscape architect.
43. Provide adequate development frontage landscaping per Section 28.142(5), Development Frontage Landscaping. Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. Note that landscaping must be installed on the private property.
44. Provide adequate interior parking lot landscaping per Section 28.142(6). For new development on sites previously undeveloped or where all improvements have been removed, a minimum of eight percent (8%) of the asphalt or concrete area of the parking lot shall be devoted to interior planting islands, peninsulas, or landscaped strips. A planting island shall be located at least every twelve (12) contiguous stalls with no break or alternatively, landscaped strips at least seven (7) feet wide between parking bays.
45. Exterior lighting provided shall be in accordance with MGO Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
46. Provide a 75-foot protective buffer from the wetlands pursuant to Madison General Ordinances 37.09(3)(h) and the Wisconsin Administrative Code Chapter NR 103.04.
47. Work with Zoning and Planning staff to finalize the zoning text for the GDP.

Please contact Adam Wiederhoeft of the Madison Water Utility at 266-9121 if you have any questions regarding the following two (2) items:

48. This project configuration appears to require relocation of existing water mains and associated easements. All public water mains, water service laterals, and associated easements shall be installed by a standard City subdivision contract / City-Developer agreement. The applicant shall contact City Engineering Division to schedule the development of plans and the agreement. See Engineering Division comments for additional information.
49. Note: Redundant water supply cannot be established for the public water system in this area. If redundant supply is required for this development, a water main extension must be incorporated to extend across the interstate to connect with existing Zone 4 water mains.

Please contact Bill Sullivan of the Madison Fire Department at 266-9121 if you have any questions regarding the following item:

50. Per IBC 706, a firewall without any openings is required to separate buildings at property lines. The proposed project shows the existing casino on a different property, which will not be able to be connected to the proposed buildings as currently designed.

Please contact Kathleen Kane of the Parks Division at 261-4281 if you have any questions regarding the following three (3) items:

51. The applicant is showing access to their project through the Millpond Road intersection with US 12/18. The Parks Division has concerns about adding more traffic to this intersection as it has already been identified as a challenging intersection with high traffic volumes that are anticipated to increase with the proposed development.
52. The applicant shall work with Traffic Engineering, City Engineering, Parks, and Planning Divisions to accommodate a future southern loop road as depicted in Yahara Hills Neighborhood Development Plan. Currently, it appears Building 5 will be in conflict from the proposed alignment shown in the neighborhood development plan.
53. Any improvements shown on parkland, such as landscaping, etc., shall be coordinated with the Parks Division.

Please contact Brad Hoffman of the Parks Division–Forestry Section at 267-4908 if you have any questions regarding the following item:

54. Existing street trees shall be protected. Please include the following note on the site plan: “Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least five (5) feet from both sides of the tree along the length of the terrace. No excavation is permitted within five (5) feet of the outside edge of a tree trunk. If excavation within five (5) feet of any tree is necessary, contractor shall contact City Forestry (266- 4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*. Any tree removals that are required for

construction after the development plan is approved will require at least a 72-hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

Please contact my office at 261-9632 if you have any questions regarding the following four (4) items:

55. That the applicant work with Planning and Zoning staff prior to final approval and recording of the General Development Plan to revise the zoning text to better reflect the uses reflected in the attached plans, including refining the list of permitted uses.
56. The final General Development Plan shall include a detailed record of existing building gross floor area and surface parking, a data table for the proposed development that includes proposed gross floor area for the project and its primary components, including the number of hotel rooms proposed, and the amount of surface and structured parking spaces proposed.
57. The General Development Plan shall not preclude the streets serving the development area remaining as public rights of way. A final decision on the vacation/discontinuance of those public streets shall be made prior to final approval of the Specific Implementation Plan for the initial phase of development. If the streets are to become private, the streets shall be constructed to public standards and include public access easements as required by the City prior to final approval and issuance of permits. Final construction details of those streets, including cross sections, shall be included with the Specific Implementation Plan for review and approval.
58. The final General Development plan shall not include lands not owned by the applicant. Prior to final approval and recording, the applicant shall acquire from the City of Madison Water Utility parcel located at 3821 Savannah Road. Please contact the City's Office of Real Estate Services for more information regarding this parcel. The future development site identified for at 3801 Savannah Road shall be reconfigured in the event that 3821 is not acquired.

The applicant is also required to satisfy any conditions of the Urban Design Commission approval of the General Development Plan prior to the final staff approval and recording. Please contact Janine Glaeser, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.

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

After the planned development has been revised per the above conditions, please file **eight (8) sets** of complete, fully dimensioned, and to-scale plans, the appropriate site plan review application and fee pursuant to Section 28.206 of the Zoning Code, and any other documentation requested herein with the Zoning Administrator, Room 017, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard. **This submittal shall all also include one (1) complete digital plan set in PDF format.** The sets of final revised plans or documents will be circulated by the Zoning staff to the City department staff listed above for their final approval.

Upon receipt of the aforementioned plans, documents and fees, and upon determining that they are complete, the Zoning Administrator shall record them with the Dane County Register of Deeds Office. The recorded originals will be returned to the applicant, with the recording information noted, when the Register of Deeds has completed the recording process.

If this plan is not recorded within one year of the date of approval by the Common Council, the approval shall be null and void. No construction or alteration of the property included in this application shall be permitted until a Specific Implementation Plan (SIP) has been approved and recorded.

Within thirty-six (36) months of Common Council approval of the General Development Plan, the basic right of use for the areas, when in conformity with the approved Specific Implementation Plan, shall lapse and be null and void unless 1) the project, as approved, is commenced by the issuance of a building permit, or 2) if an application for an extension is filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period and the Plan Commission, after a public hearing pursuant to Sec. 28.181(5), determines that no changes in the surrounding area or neighborhood since approval of the General Development Plan render the project incompatible with current conditions and grants an extension of up to twenty-four (24) months in which to obtain a building permit. In no case shall an extension allow a building permit to be issued more than sixty (60) months after approval of the General Development Plan by the Common Council. If a new building permit is required pursuant to Sec. 29.06(4), Madison General Ordinances, a new petition and approval process shall be required to obtain General Development Plan approval and Specific Implementation Plan approval.

If you have any questions regarding recording this plan or obtaining permits, please call Matt Tucker, Zoning Administrator, at 266-4551. If I may be of any further assistance, please do not hesitate to contact me at 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Brenda Stanley, City Engineering Division
Jeff Quamme, City Engineering Division—Mapping Section
Eric Halvorson, Traffic Engineering Division
Adam Wiederhoeft, Madison Water Utility
Jacob Moskowitz, Assistant Zoning Administrator
Kathleen Kane, Parks Division
Brad Hoffman, Forestry Section
Janine Glaeser, Urban Design Commission
Bill Sullivan, Madison Fire Department

Accela ID: LNDUSE-2019-00030			
For Official Use Only, Re: Final GDP Routing			
☒	Planning Div. (T. Parks)	☒	Engineering Mapping Sec.
☒	Zoning Administrator	☒	Parks Division
☒	City Engineering	☒	Urban Design Commission
☒	Traffic Engineering (EP)	☐	Recycling Coord. (R&R)
☒	Fire Department	☐	Other:
☒	Water Utility (EP)	☐	Other: