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Cc: [Tuttle, Meagan](#); [Parks, Timothy](#); [Ernest, Lisa](#)
Subject: Questions from Ald. Glenn Regarding Agenda 7 - Packers CSM
Date: Monday, March 2, 2026 5:26:53 PM
Attachments: [Outlook-Logo_Desc.png](#)

PLEASE DO NOT REPLY ALL.

Ald Glenn - Thanks for reaching out. Below are answers we could provide before the meeting. As I noted, I am sharing these answers with all Plan Commissioners. The original questions are bolded and responses noted below.

Before jumping in, I think it would be good to speak to the process in a bit more detail. There are three main approvals regarding City Boards and Commissions.

1. **CSM (Certified Survey Map)** – This combines several smaller properties into one singular lot. This is at PC tonight and scheduled for Council on March 10.
2. **Conditional Use** – This project only requires one conditional use and that is for outdoor recreation. **The PC’s role is limited to that.** While in some cases, the conditional use pertains to the entire scope of the development, it is more limited here. The building itself is a permitted use (except for the outdoor recreation). This will be referred to April 13 at the applicant’s request as they work on additional items related to the project’s design.
3. **Urban Design Commission Approvals** – The development site is within Urban Design District 4 and UDC review is required for new construction and major alterations. That is being referred again, likely to March 25.

1. TOD Overlay Expansion

The staff report notes that approving this CSM will automatically expand the Transit-Oriented Development Overlay District to include 2010 and 2030 Pennsylvania Avenue because all three parcels will be merged into one. Was there any separate public process or notice specifically about this TOD boundary expansion, or does it happen as a consequence of the CSM approval alone?

RESPONSE: There was not a separate process or notice to specifically to extend the TOD boundary, though owners / occupants within 200 feet will receive the conditional use postcard for the outdoor recreation conditional use and a different set of postcards were sent consistent with UDC hearing rules. CSMs themselves do not require public hearings or notices.

Zoning has determined that if a part of a site is within TOD, the entire site is in TOD. The following section is referenced by Zoning “Sec. 28.104(2): This Ordinance applies to all parcels within or partially within boundaries depicted on the map, except development

in City of Madison-owned and Dane County-owned parks.”

2. Phased Development and Future Approvals

The applicant has described a multi-phase redevelopment. This CSM creates one lot for the entire 7.9-acre site. What approvals will the southern commercial phase require, and at what point will the public and Plan Commission have another opportunity to weigh in on the full buildout?

RESPONSE: The approvals for the full buildout will depend on what is proposed. While general phasing information has been provided, those details could change and timing is not known. The site is currently within Urban Design District 4, so new development or substantial redevelopment of existing buildings would require review by the Urban Design Commission, after a public hearing. Depending on other specifics, additional conditional use approvals may be necessary by the Plan Commission, but it is possible that no further conditional uses will be needed. The current conditional use is only for the outdoor recreation area.

3. Right-of-Way Dedication for North First Street

The CSM dedicates a strip of right-of-way along East Johnson Street for a future extension of North First Street. Can staff explain what that future street extension would look like, when it might be built, and how it connects to the broader Oscar Mayer Special Area Plan transportation network?

RESPONSE: Planning checked in with Julius Smith in Engineering Mapping. He noted that his comment is based on an older official map reservation, but one that was still on the books. MGO Section 16.23(3)(a)2.c.i, "*...whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in the official map, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated.*"

This condition pertains to the small area adjacent to the subject property. That area has been discussed and is used as an entry way by both the railroad and MGE for access to their lands and it was determined that the intersection would benefit from further control from turns in and out of this access and by it being a public way. Note, the official map dedication is part of a larger official map reservation that runs across the railroad track, though that connection isn't part the City's adopted plans and staff aren't aware of plans to acquire or fully construct the remaining roadway to the west at this time.

4. Public Path Easement Along the Railroad

The CSM grants a 20-foot public path easement along the western edge adjacent to the Canadian Pacific Railroad. Who will be responsible for constructing and maintaining that path, and what is the timeline for that happening?

INFORMATION BEING CONFIRMED.

Questions for City Engineering

5. Environmental Conditions — WDNR Approval as a Hard Stop

Condition #2 requires written WDNR approval before disturbing the existing barrier cap and before City Engineering will sign off on any site disturbance or demolition permits. Can you confirm that this is a hard stop in the permitting sequence — meaning no ground disturbance can begin until that written approval is in hand?

RESPONSE: The WDNR currently has continuing obligations on the site that require the property owner to maintain the cap over contaminated soil on the property. The owner must have written approval from WDNR before removing the cap, excavating or grading the land surface, or changing the use or occupancy of the property to a residential exposure setting. These requirements are summarized in the Final Case Closure with Continuing Obligations letter from WDNR dated October 11, 2012 (attached). City Engineering requires that the property remains in compliance with WDNR during the permitting process, so this means no ground disturbance until written WDNR approval is provided to City Engineering. I recommend the developer retain an environmental consultant and reach out to Danielle Keller with WDNR to learn more about their requirements (danielle.keller@wisconsin.gov, 608-419-6855). Angie Wilcox-Hull with City Engineering (awilcox-hull@cityofmadison.com, 608-267-1986) is also available to support.

6. Phase 1 ESA — Scope and Public Access

Condition #1 requires a Phase 1 Environmental Site Assessment for lands being dedicated to the City. Will that ESA be limited to the dedicated right-of-way and path easement, or will it cover the full development footprint? And will it be made publicly available through Legistar?

RESPONSE: City Engineering requires the Phase 1 ESA cover the land dedicated to the public, but we will accept it if it also includes the full development footprint (the latter is normally the case). The Phase 1 ESA will not be available on Legistar but will become public record and could be requested from City Engineering once completed.

7. Backwater Flooding Elevation Requirement

The CSM includes a note requiring minimum entrance elevations of 852.50 feet due to backwater flooding from Lake Monona. How does this interact with the proposed underground parking structure? Has Engineering reviewed whether the foundation design can meet this standard given the contaminated soil conditions on site?

RESPONSE: The elevation of 852.50 is required for the lowest entrance to the building

and or the high point in pavement before breaking grade to go down to any entrance to underground parking. The storm sewer serving the low point in pavement before the underground parking will require a pumping plan that can handle the 100-year storm and this plan shall be stamped by a professional engineer or master plumber. Engineering would not review a foundation design for this site or any other private site, a foundation design is handled by a professional geotechnical engineer working for the Developer. Engineering was not familiar enough with the requirements of Building Inspection to know if they require that design be submitted to them for approval but that is not an engineering review element. The manner in which contamination is addressed is responded to in other comments.

8. Contaminated Groundwater During Construction

Deep excavation for a seven-story building with underground parking will likely require dewatering — pumping out groundwater to keep the construction site dry. Given the known contamination history, will that groundwater require special handling or a separate WDNR permit for disposal? What oversight will the City have over that process?

RESPONSE: The developer's environmental consultant should determine if the groundwater beneath the property is contaminated. Dewatering contaminated groundwater will need special approval from Madison Metro Sewerage District and a [Sanitary Sewer Discharge Permit from the City of Madison](#) prior to discharging the contaminated water to the sanitary sewer. Per my environmental comment, the developer shall provide all records related to disposal activity (groundwater included) to Environmental Review (environmentalreview@cityofmadison.com).

QUESTIONS FOR DEVELOPER:

9. WDNR Coordination Status

Where does the developer currently stand in the WDNR approval process for disturbing the barrier cap? Has a materials management plan been submitted? Has WDNR responded?

DEVELOPER RESPONSE TO STAFF: New Land Enterprises has successfully collaborated with WDNR on several development sites. WDNR has not been contacted regarding the subject proposal yet. If required by WDNR, a materials management plan will be ordered at the conclusion of the Phase II ESA process, which will take place after UDC approval.

10. Environmental Documents

Will the applicant commit to making the Phase 1 and Phase 2 Environmental Site Assessment reports available to the public — either through Legistar or the project website — prior to the conditional use hearing on March 16?

DEVELOPER RESPONSE TO STAFF: To my knowledge, Phase I and Phase II ESA reports are private contracts between client and consultant. However, they will be made available to WDNR at their request during the remediation process. If reports are submitted to WDNR, they can be made public.

11. Construction Timeline and Neighbor Notification

When contaminated soil is excavated and hauled off site, what notification will neighboring properties receive? Will there be air monitoring during excavation, and who will be responsible for reviewing those results?

DEVELOPER RESPONSE TO STAFF: Neighbors will be notified at the beginning of all construction activities. Specific notification requests can be made to the New Land and general contractor teams. We will accommodate any reasonable neighbor request to the best of our abilities. All demolition and construction activities will be held to WDNR standards, including emissions and air monitoring.



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