

CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

DATE: June 12, 2008

TO: Plan Commission & Common Council

FROM: Timothy M. Parks, Planner, Planning Division

SUBJECT: **ID 10905, Approval of a revised preliminary plat and final plat for Hilldale**

On August 7, 2007, the Common Council conditionally approved a Certified Survey Map (CSM), preliminary plat and final plat for portions of the Hilldale Shopping Center subject to conditions following a recommendation of approval by the Plan Commission on July 23, 2007. The applicants for the subdivision, Joseph Freed & Associates, received approval of a CSM to divide the overall 37-acre Hilldale property into two lots by certified survey map. Lot 1 of the approved CSM encompasses the main mall building and Sundance Cinema, Great Dane and Fleming's restaurants, and the "Phase II" area (Whole Foods, hotel, etc.) located east of N. Segoe Road between Frey Street and University Avenue. Lot 2 includes most of the new buildings east of extended Price Place east of the main mall building, including four new retail buildings and two parking structures located east of the original mall, and surrounds two lots created by an earlier CSM for the four townhouse buildings constructed along N. Midvale Boulevard.

Freed also received approval of a preliminary and final plat of Lot 1 of the above-described CSM into 11 lots. The platted lots encompassed various aspects of the planned unit development approval granted in January 2007 for the Hilldale development, including the proposed Whole Foods store along N. Segoe Road and two mixed-use condominium buildings located along University Avenue. The plat would also dedicate additional right of way along Sawyer Terrace and Frey Street for street improvements related to the approved planned unit development, including the conversion of Sawyer Terrace into a two-way street (it is a one-way street northbound currently), and dedicate a number of easements, include those for ingress and egress and utilities.

Since the approval of the CSM and subdivision plat for Hilldale were approved last year, the underlying PUD for the redevelopment of the site has evolved significantly. Since the Phase II plans were first approved in January 2007, the components of that phase have changed dramatically, with the two 13- and 9-story mixed-use condominium buildings along University Avenue having been replaced with a 3-story office/ retail building and an 8- and now 5-story retail/ hotel building, respectively.

As a result, the number, size and arrangement of lots in the approved preliminary and final plat have also changed, requiring that new subdivision approvals be granted. The revised plat proposes a 21.7-acre Lot 5, which will consist of the mall building, Ace Hardware, Great Dane Brewpub, Fleming's restaurant and most of the existing surface occupying the site. Lot 6 will occupy most of the Phase II development, including the Whole Foods, 1,095-stall parking structure, the three-story retail/ office building along University Avenue and a second, one-story retail building located on Frey Street. The five-story hotel building west of Hilldale Way at University Avenue will occupy Lot 7 of the plat, while Lot 4 will encompass the existing post office at the corner of Sawyer Terrace and N. Segoe

Road. The plat also creates a parcel (Outlot 1) for the private open space located at the southwest corner of Frey and Sawyer. The various rights of way and easements required to serve the PUD will also be dedicated with the revised plat.

The Planning Division believes that the revised preliminary and final plats for Hilldale can comply with the requirements contained in the Subdivision Regulations and recommends **approval** subject to the conditions recommended by the City Engineering Division contained in the attached August 17, 2007 letter of approval and the following Planning Division conditions:

1. That a revised reciprocal cross-access and parking easement agreement be submitted for approval by the Director of the Department of Planning and Community and Economic Development, City Engineer and City Attorney's Office prior to final signoff and recording of the Certified Survey Map and final plat. The agreement shall address shared access and parking between lots on the final plat and Certified Survey Map.
2. That the final plat be revised per Planning Division approval to restart the numbering of the subdivision with Lot 1, etc.



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August 17, 2007

Frank Thousand
Arnold & O'Sheridan, Inc.
1111 Deming Way
Madison, Wisconsin 53717

RE: Approval of a two-lot Certified Survey Map creating two lots for portions of the Hilldale Shopping Center redevelopment, and; approval of a preliminary and final plat creating eleven lots for much of the remaining mixed-use development.

Dear Mr. Thousand:

At its August 7, 2007 meeting, the Common Council **approved** your client's Certified Survey Map, preliminary plat and final plat for portions of the Hilldale Shopping Center, subject to the following conditions of approval from reviewing agencies:

Please contact Janet Dailey, City Engineering, at 261-9688 if you have questions regarding the following twenty-four (24) conditions on the preliminary and final plat and the CSM:

1. The Hilldale Development Team wishes to not mix commercial and residential units in a single condominium. There appears to be a simple solution, which does not seem to compromise the project or city staff efficiency. Under 703.155 of the Wis. Statutes, it provides for the creation of a "master association" made of one or more condominium associations. So, there could be a single structure that contains both a commercial condominium association and a residential condominium association both of which would be part of a master association. The declarations would define how the rights and responsibilities are divided between the three associations. As a bonus, the master association can also include non-condominium property owners to better coordinate with adjoining property. The developer shall use a master association unless the City Engineer and City Attorney agree to an alternate solution.
2. The proposed plat shall address easement dedications and vacations as approved by the City Engineer.
3. The applicant shall review the right of way requirements for the subdivision with the City Engineer and City Traffic Engineer and shall revise or dedicate right of way if required by the City Engineer.
4. The applicant is advised that City billings from the stormwater utility shall be issued to the recorded owner of the respective underlying "land" parcel. The applicant shall provide evidence that they understand this arrangement and have provided for a means of payment from entities sharing said parcel.
5. A cross lot agreement is required as stormwater management for one lot is occurring on another.
6. The maintenance agreement for stormwater management features shall be required.
7. Private street names shall approved by the City Engineer and indicated on the final plat.

8. On Sheets 5 and 6 of 10 of the CSM, better identify the three-dimensional lot layout.
9. Stormwater assessment bills will most likely be billed to underlying landowner only due to the fact City of Madison ordinances do not specify three dimensional billing.
10. Numerous technical errors have been pointed out to the Surveyor to correct at a meeting and must be checked and verified prior to Certified Survey Map recording.
11. The applicant shall review the right of way requirements for the subdivision with the City Engineer and City Traffic Engineer and shall revise or dedicate right-of-way if required by the City Engineer.
12. The developer shall enter into a City/ Developer agreement for the installation of public improvements required to serve this subdivision. The developer shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The developer shall meet with the City Engineer to schedule preparation of the plans and the agreement. The City Engineer will not sign off on this plat without the agreement executed by the developer.
13. An erosion control plan and land disturbing activity permit shall be submitted to the Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. 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.
14. Prior to the issuance of building permits, the developer shall submit a master stormwater drainage plan to the City Engineering Division for review and approval which shows lot corner elevations to the nearest 0.25-foot. For purposes of the plan, it shall be assumed that grading shall be done on a straight-line grade between points unless other information is provided. The proposed slope between points shall always be greater than or equal to .0075 ft/ft. If a break in grade is required between lot corners a shot shall be taken at that break in grade to provide the Engineer with enough information to interpret the plan. The developer shall also show proposed drainage arrows on the plan to indicate the proposed direction of drainage.

The master storm water drainage plan shall be submitted to City Engineering in digital format with elevations/grades/contours shown on the recorded plat map of the development. The digital record shall be provided using the state plane coordinate system – NAD 27.

The following note shall accompany the master storm water drainage plan:

"For purposes of this plan, it is assumed that grading shall be a straight line grade between points unless otherwise indicated. All slopes shall be 0.75% or steeper. Grade breaks between lot corners are shown by elevation or through the use of drainage arrows. "

No building permits shall be issued prior to City Engineering's approval of this plan.

15. 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) and provide oil & grease control from the first 1/2" of runoff from parking areas.

16. Arrows shall be added to the certified survey map indicating the direction of drainage for each property line not fronting on a public street. In addition, the certified survey map shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the certified survey map:
- a.) Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.
 - b.) All lots within this survey are subject to a public easement for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easement shall be 12-feet in width on the perimeter of the certified survey map. Easements shall not be required on property lines shared with green ways or public streets. No structures may be constructed within said easement and no other obstructions to drainage, including landscaping are permitted without the prior written approval of the City Engineer.

Note: In the event of the City of Madison Plan Commission and/or Common Council approve re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

17. The following note shall be added to the certified survey map. "All lots created by this certified survey map are individually responsible for compliance with Chapter 37 of the Madison General Ordinances in regard to storm water detention at the time they develop."
18. This site is greater than one acre and the applicant is required by State Statute to obtain a Notice of Intent Permit (NOI) from the Wisconsin Department of Natural Resources. Please contact Jim Bertolacini of the WDNR at 275-3201 to discuss this requirement. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
19. A minimum of two (2) working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).
20. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of two working days prior to requesting City Engineering signoff.
21. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The developer's surveyor and/or applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat or CSM. Note: Land tie to two PLS corners required.
22. In accordance with Section s.236.34(1) (c) which says a plat shall be prepared in accordance with s.236.20(2) (c) & (f), Wisconsin Statutes, the Applicant must show type, location and width of any and all easements.

Clearly identify the difference between existing easements (site Register of Deeds recording data) and easements that are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.

23. Prior to Engineering final sign-off by main office for Certified Survey Maps (CSM), final CSM must be submitted to Engineering Division Surveyor/ Land Records Coordinator for final technical review and approval. This submittal must occur a minimum of two working days prior to final Engineering Division sign-off. Electronic mail submittal of the **final CSM in PDF form** is preferred. Please transmit to epederson@cityofmadison.com.
24. The applicant shall submit to Eric Pederson, prior to Engineering sign-off of the subject plat, two (2) digital and one (1) hard copy of the final plat to the Mapping/GIS Section of the Engineering Division. The digital copies shall be submitted in both NAD27 & WIDOT County Coordinate System, Dane County Zone datums in either Auto CAD Version 2001 or older, MicroStation Version J or older or Universal DXF Formats and contain the minimum of the following, each on a separate layer name/level number: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except **local service** for Cable TV, gas, electric and fiber optics).

*This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.

*New electronic final plat transmittals and notification of changes which occur to the final plat during the time the Engineering Division signs off and receives the digital copies of said plat and the recording thereof, are the responsibility of the Developer/Surveyor.

Please contact Dennis Cawley, Madison Water Utility, at 266-4651 if you have any questions regarding the following item:

25. Madison Water Utility rules and regulations require that each lot have a separate water service lateral connected to a public water main. The developer shall provide a plan to the Madison Water Utility showing the proposed water service laterals for each lot.

Please contact my office at 261-9632 if you have questions about the following four items:

26. That the proposed Certified Survey Map be revised to include the vertical section information dated June 19, 2007 related to Certified Survey Map #11595.
27. That the final plat be revised per Planning Division approval as follows:
 - a.) that proposed Lot 8 be renamed "Outlot 1", and that a note be placed on the plat noting the outlot as "private open space" (as identified in the approved PUD-GDP-SIP) to be maintained by the owners of the Hilldale Shopping Center, and that neither the shopping center nor the greenspace be sold separately;
 - b.) the area in square feet of Lot 7;
 - c.) that the name of the plat be shortened to "Hilldale" to better reflect the scope of the subdivision, which will encompass most of the 37-acre Hilldale development (staff feels that the plat name is also misleading as no Hilldale Phase 1 plat was previously recorded to suggest a succession of plats).
28. That all documents that will govern the ownership, access, organizational structure, use, maintenance and continued protection of the development on Lots 2-8 of the proposed final plat and any of its common services, common open areas or other facilities shall be submitted and approved by the Director of the Department of Planning and Community and Economic Development, City Engineer, City Assessor and City Attorney's Office prior to final signoff and recording of the final plat. These documents shall include all the

requirements of the agencies noted above in order to ensure that the City can continue to provide all services to the property and the public interest is protected.

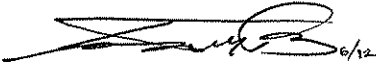
29. That a reciprocal cross-access and parking easement agreement be submitted for approval by the Director of the Department of Planning and Community and Economic Development, City Engineer and City Attorney's Office prior to final signoff and recording of the Certified Survey Map and final plat. The agreement shall address shared access and parking between lots on the final plat and Certified Survey Map.

In addition, Madison Gas & Electric and AT&T are requiring that six-foot wide utility easements be dedicated on the final plat along the western line of Lot 6 and the southern lines of Lots 2, 3, 6 and 7.

Please note that the City Real Estate Office is reviewing the report of title provided with the plat and CSM and may have comments. That office will send any comments to you by fax. If you have any questions, please contact Jeff Ekola at 267-8719 for more information.

Specific questions regarding comments or conditions should be directed to the commenting agency. Any appeal regarding the plats and Certified Survey Map, including the conditions of approval, must be filed with the Circuit Court within thirty (30) days from the date of this letter. If I may be of any further assistance, do not hesitate to contact me at 261-9632.

Sincerely,



Timothy M. Parks
Planner

cc: Janet Dailey, City Engineering Division
Maureen Richards, City Assessor's Office
Jeff Ekola, Real Estate Unit
Norb Scribner, Dane County Land Records and Regulations