



Department of Planning & Community & Economic Development  
**Planning Division**

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Website: [www.cityofmadison.com](http://www.cityofmadison.com)

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, Wisconsin 53701-2985  
TDD 608 266-4747  
FAX 608 266-8739  
PH 608 266-4635

February 10, 2009

Bill Dunlop  
Foth Infrastructure & Environment, LLC  
1402 Pankratz Street, Suite 300  
Madison, Wisconsin 53704

RE: Approval of a major alteration to an existing conditional use for a commercial center containing 40,000 or more square feet of floor area of which 25,000 square feet is retail to allow demolition of the southern portion of Westgate Mall to allow construction of a stand-alone 80,476 square-foot grocery store with outdoor eating area and drive-up service window. The project also results in the creation of a planned commercial site.

Dear Mr. Dunlop;

At its February 9, 2009 meeting, the Plan Commission found the conditional use standards met and approved your client's conditional use application to allow construction of a Hy-Vee grocery store at the southern end of Westgate Mall, subject to the conditions below. In order to receive final approval of the conditional use and for building permits to be issued, the following conditions must be met:

**Please contact Janet Dailey, City Engineering Division, at 261-9688 if you have questions regarding the following twenty (20) items:**

1. Provide detailed drainage plan, particularly for the loading dock area.
2. Provide details for an exterior grease trap for sanitary sewer discharge.
3. Provide a separate sanitary sewer manhole for purposes of monitoring sewer flow from the grocery store. Contact City Engineer for details.
4. The construction of this building 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.
5. Submit a PDF of all floor plans to Lori Zenchenko [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com) so that a preliminary interior addressing plan can be developed. If there are any changes pertaining to the location of a unit, the deletion or addition of a unit, or to the location of the entrance into any unit, (before, during, or after construction) the addresses may need to be changed. The interior address plan is subject to the review and approval of the Fire Marshal.
6. The applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
7. The approval of this conditional use 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.

8. 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.
9. A City licensed contractor shall perform all work in the public right-of-way.
10. All street tree locations and tree species within the right of way shall be reviewed and approved by City Forestry.
11. The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
12. 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.
13. The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
14. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to: control 40% TSS (20 micron particle) off of new paved surfaces; 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
15. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) [lzenchenko@cityofmadison.com](mailto:lzenchenko@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.
16. 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).
17. 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.

18. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1) \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2) \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.
19. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior City Engineering Division sign-off, unless otherwise collected with the Developer's Agreement.
20. 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.

**Please contact John Leach, Traffic Engineering Division, at 267-8755 if you have questions about the following ten items:**

21. The applicant shall modify the existing and proposed approaches on Odana Road and S. Segoe Road as follows:
  - a) The Odana Road entrance shall be a street type entrance design as determined by the City Traffic Engineer. The applicant shall make modification to the Odana Road median and pavement markings to accommodate the approach.
  - b) The S. Segoe Road approach shall require a median break on Segoe Road to accommodate left and right turns. The applicant will need to work with the Traffic Engineering Division and City Engineering Division on the design and approval by the Board of Public Works. The proposed Segoe Road street type entrances will require the applicant to modify as approved by the City Traffic Engineer and not to extend in front of the adjacent property.
  - c) The applicant shall enter into a subdivision contract or developer's agreement to accommodate proposed street improvements prior final approval.
22. The applicant shall provide on one contiguous plan sheet showing this phase all the facility's access, existing and proposed buildings, layout of parking lots, loading areas, all bike racks, trees, pavement markings, signs and approaches.
23. The applicant shall note on the site plan, "All work proposed in the right-of-way is not being approved as part of the Conditional Use. All work in the right-of-way is approved separately by the Board of Public Works, City of Madison."
24. The applicant shall indicate the type of bicycle racks to be installed and locations for Westgate Mall.
25. 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 two (2) feet overhang, and a scaled drawing at 1" = 20'.
26. "Stop" and "No Left Turn" signs shall be installed at a height of 7 feet to the bottom of the first sign at the driveway approaches where medians prohibit turns. "Stop" signs shall be installed at a height of 7 feet at driveway approaches. All signs at the approaches shall be installed behind the property line. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
27. Special design "Street Type Entrance": The applicant shall provide a detail drawing of the "Street Type Entrance" with plan sheets showing details of epoxy pavement markings and signage. In addition, a note shall be shown on the plan, "ALL PAVEMENT MARKING SHALL BE INSTALLED IN EPOXY AND MAINTIAN BY THE PROPERTY OWNER." These pavement markings eight-inch solid white line with a pavement arrow,

double yellows dividing ingress/egress, 6-inch white lines for the 6-foot wide crosswalk and 24-inch white stop bar 5 feet behind the crosswalk shall be painted at the intersection of the street. These detail drawing shall be approved by Traffic Engineering staff at final sign off.

28. 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.
29. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Please contact Pat Anderson, Assistant Zoning Administrator, at 266-5978 if you have any questions regarding the following three items:**

30. Provide 48 bike parking stalls in a safe and convenient location on an impervious surface to be shown on the final plans. The bike racks shall be securely anchored to the ground or building to prevent the racks from moving. Note: A bike-parking stall is two feet by six feet with a five-foot access area. Where the expected need for bike stalls is unknown, up to 50 percent of the bike stalls (up to 24 stalls) can be deferred. Land area required for the provision of deferred bicycle parking spaces shall be shown on the final plan as a bicycle reserved area.
31. As a Planned Commercial Site, provide a site plan that shows the entire site (not inclusive of conceptual redevelopment plan components). Parking lot plans with greater than twenty (20) stalls, landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.)
32. Meet all applicable State accessible requirements, including but not limited to providing a minimum of 3 accessible stall striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent. Show signage at the head of the accessible stall(s).

**Please contact Tim Sobota, Metro Transit, at 261-4289 if you have any questions regarding the following four items:**

33. The applicant shall install and maintain a concrete passenger boarding pad at the existing bus stop location on the east side of S. Whitney Way, north of Odana Road. This bus stop sign is installed approximately forty feet north of the property line shared with the gas station, and is generally opposite the proposed pedestrian walkway leading out from the store frontage through the parking lot. The concrete pad shall occupy the full distance of the terrace, measure 6 feet in width parallel to the street, and lie flush between the sidewalk and the top of curb.
34. The applicant shall install and maintain a bench or other seating amenity and a trash receptacle on top of a concrete pad or other suitable surface on the east side of S. Whitney Way, north of Odana Road, in an area adjacent the concrete passenger boarding pad described above.
35. Such passenger amenity requests are typically fulfilled with the applicant installing the items on private property behind the sidewalk. It is Metro Transit's recommendation that the applicant review the potential of placing the amenities outlined above on private property. Placement of privately installed and maintained property on public right-of-way will require the review and approval of additional City agencies, including City Real Estate and City Engineering, prior to Metro Transit giving final approval to the plans.
36. A handicap-accessible connection shall be made between the proposed pedestrian walkway, and the public sidewalk at this bus stop location. This may require cutting a new opening in the existing wall that divides the current parking lot from the public sidewalk along S. Whitney Way.

**Please contact Tom Maglio, Parks Division, at 266-4711 if you have questions about the following item:**

37. The developer will be required to submit a detailed planting plan for the landscape screening shown on the site plan adjacent to Odana School Park to the Parks Division, for internal approval, prior to issuing a building permit.

**Please contact my office at 261-9632 if you have questions about the following five items, including the revised conditions approved by the Plan Commission:**

38. That the applicant submit a Transportation Demand Management Plan for review and approval by the Planning Division and Traffic Engineering Division prior to the issuance of building permits.
39. That the applicant work with the Planning Division staff prior to final approval of the conditional use to identify the location of outdoor sales areas along the western and southern facades. These sales areas shall be limited to 20% of the length of those facades, shall maintain an 8-foot wide pedestrian walkway, shall not exceed 4 feet in height and shall be limited to a list of materials for sale approved by staff.
40. That the final plans be revised per Planning Division approval prior to final signoff and the issuance of building permits as follows:
  - a.) the roofline along the entire eastern wall of the building shall be varied with a change in height every 75 linear feet in a fashion similar to the other facades;
  - b.) a "Stop" bar and painted crosswalk shall be added at the southern end of the drive-up service lanes to connect the walkways extending along the southern and western facades of the grocery store;
  - c.) the applicant work with Planning Division as part of the final signoff of this project to incorporate landscaped areas where possible along at least 50% of the length of pedestrian walkways leading to public sidewalks. This may be accomplished by adjusting the widths of the pedestrian aisles and/or parking lot drive aisles.
41. The Parks Division shall approve the installation of any landscaping or screening in Odana School Park related to this project separately. (See condition #37 above.)
42. That no delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 PM and 7:00 AM unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 dB or less, as measured at the lot line of any adjoining property.

**The applicant is also required to satisfy the conditions of approval of the Urban Design Commission prior to the final staff approval of the project and the issuance of building permits. Please contact Al Martin, Urban Design Commission Secretary, at 267-8740 if you have any questions about those conditions.**

**The applicant should also contact Scott Strassburg, Madison Fire Department, at 261-9843 to review Fire Code conformance issues related to this project.**

**Please now follow the procedures listed below for obtaining your conditional use permit:**

1. Please revise your plans per the above and submit **eleven (11) copies** of a complete plan set to the Zoning Administrator for final review and comment. Also be sure to include any additional materials requested by these departments for their approval prior to sign off.
2. This letter shall be signed by the applicant to acknowledge the conditions of approval and returned to the Zoning Administrator when requesting demolition and/or building permit approval.
3. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may issue permits for minor alterations. This approval shall become null and void one year after the date of the Plan Commission unless the use is commenced, construction is under way, or a valid building permit is issued and construction commenced within six months of the issuance of said building

permit. The Plan Commission shall retain jurisdiction over this matter for the purpose of resolving complaints against the approved conditional use permit.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at 261-9632.

Sincerely,

Timothy M. Parks  
Planner

I hereby acknowledge that I understand and will comply with the above conditions of approval for this conditional use project.

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*Signature of Applicant*

cc: Janet Dailey, City Engineering Division  
John Leach, Traffic Engineering Division  
Tom Maglio, Parks Division  
Tim Sobota, Metro Transit  
Scott Strassburg, Madison Fire Department  
Pat Anderson, Asst. Zoning Administrator

For Official Use Only, Re: Final Plan Routing			
<input checked="" type="checkbox"/>	Planning Div. (T. Parks)	<input checked="" type="checkbox"/>	Engineering Mapping Sec.
<input checked="" type="checkbox"/>	Zoning Administrator	<input checked="" type="checkbox"/>	Parks Division
<input checked="" type="checkbox"/>	City Engineering	<input checked="" type="checkbox"/>	Urban Design Commission
<input checked="" type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Recycling Coord. (R&R)
<input checked="" type="checkbox"/>	Fire Department	<input checked="" type="checkbox"/>	Other: Metro Transit