

Department of Planning & Community & Economic Development

Planning Division

Heather Stouder, Director

Madison Municipal Building, Suite 017 215 Martin Luther King Jr. Boulevard Madison, Wisconsin 53703 Phone: (608) 266-4635 www.cityofmadison.com

January 25, 2022

Brian Munson Vandewalle & Associates 120 E Lakeside Street Madison, Wisconsin 53715

RE: Approval of a request to rezone 401 N Segoe Road from SE (Suburban Employment District) to PD (Planned Development District); approval an amended Planned Development—General Development Plan for an expanded Hilldale Shopping Center to include additional commercial, hotel, and residential uses; and approval of a demolition permit to raze a bank/office building at 401 N Segoe Road to allow the future development (WS Development/Hilldale Shopping Center, LLC/401 North Segoe, LLC) [LNDUSE-2021-00113; ID 68648 and 68199]

Dear Brian;

At its January 10, 2022 meeting, the Plan Commission found the standards met and **approved** your demolition permit for 401 N Segoe Road.

At its January 18, 2022 meeting, the Common Council **approved** the rezoning of 401 N Segoe Road from SE to PD and an amended Planned Development–General Development Plan for an expanded Hilldale Shopping Center to include additional commercial, hotel, and residential uses.

Prior to issuance of demolition or building permits for the project, the conditions of approval in the following sections shall be satisfied:

Please contact Tim Troester of the City Engineering Division at (608) 267-1995 if you have questions regarding the following twenty (20) items:

- 1. Public sanitary sewer improvements may be required as a condition for the proposed development due to the City sewer capacity. The sewer mains on Price Place and Vernon Boulevard may require replacement and upsizing as a condition of the development. The applicant shall provide projected wastewater flow projections to confirm that the development can be served by the City sewer. Submit projected wastewater calculations to Mark Moder, mmoder@cityofmadison.com.
- 2. The applicant shall show storm water "overflow" paths that will safely route runoff during the 100-year, 24-hour design storm when the storm sewer is at capacity.
- 3. Enter into a City / Developer agreement for the required infrastructure improvements. Agreement to be executed prior to sign off. Allow 4-6 weeks to obtain agreement. Contact the City Engineering Division to schedule the development and approval of the plans and the agreement.

- 4. Construct sidewalk, terrace, curb and gutter, and asphalt to a plan approved by the City Engineer.
- 5. 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 ((608) 261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 6. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development.
- 7. An Erosion Control Permit is required for this project.
- 8. A Storm Water Management Report and Storm Water Management Permit is required for this project.
- 9. A Storm Water Maintenance Agreement (SWMA) is required for this project.
- 10. 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-151; 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 at 273-5612 of the WDNR to discuss this requirement. The applicant is notified that the City of Madison is an approved agent of the Wisconsin Department of Safety and Professional Services (DSPS) and no separate submittal to this agency or Capital Area Regional Planning Commission (CARPC) is required for this project to proceed.
- 11. Revise the site plan 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.
- 12. The proposed development proposes to construct underground parking. The proposed entrance to the underground parking is adjacent to a street low point. The applicant shall provide at a minimum of one (1) foot of rise from the adjacent back of walk in the driveway before breaking grade to the down ramp to the underground parking to protect the underground parking from inundation. The stated elevation is intended to be protective but does not guarantee a flood proof structure. The developer/owner are strongly encouraged to complete their own calculations and determine an elevation that protects their property to a level of service that they are comfortable with.
- 13. This project will disturb 20,000 square feet or more of land area and requires an Erosion Control Plan. Please submit an 11- x 17-inch copy of an erosion control plan (PDF electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval.

- 14. Demonstrate compliance with MGO Sections 37.07 and 37.08 regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.
- 15. This project will require a concrete management plan and a construction dewatering plan as part of the erosion control plan to be reviewed and approved by the City Engineer's Office. If contaminated soil or groundwater conditions exist on or adjacent to this project additional WDNR, Madison-Dane County Public Health, and/or City Engineering approvals may be required prior to the issuance of the required Erosion Control Permit.
- 16. This project appears to require fire system testing that can result in significant amounts of water to be discharged to the project grade. The Contractor shall coordinate this testing with the erosion control measures and notify City Engineering (608) 266-4751 prior to completing the test to document that appropriate measures have been taken to prevent erosion as a result of this testing.
- 17. 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.
- 18. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Storm Water Management Plan and Report shall include compliance with the following:

Submit prior to plan sign-off, a stormwater management report stamped by a P.E. registered in the State of Wisconsin.

Provide electronic copies of any stormwater management modeling or data files including SLAMM, RECARGA, TR-55, HYDROCAD, Sediment loading calculations, or any other electronic modeling or data files. 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 to City Engineering.

Reduce peak discharge during the 10-year storm event by 15% compared to existing conditions.

Reduce TSS by 80% off of the proposed development when compared with the existing site.

Treat the first half-inch of runoff over the proposed parking facility and/or drive up window.

Reduce total volume discharged from the site by 5% during the 10-year storm event compared to existing conditions.

Submit a draft Stormwater Management Maintenance Agreement (SWMA) for review and approval that covers inspection and maintenance requirements for any BMP used to meet stormwater management requirements on this project.

- 19. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the City Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
- 20. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the City Engineering Division. E-mail PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

Please contact Jeff Quamme of the City Engineering–Mapping Section at (608) 266-4097 if you have any questions regarding the following four (4) items:

- 21. The proposed development will require the release of several public utility easements. The easements will need to be released as part of the future required land division and/or Specific Implementation Plan approvals.
- 22. The existing Reciprocal Easement Agreement per Document No. 4667176 for the Hilldale Development shall be amended as a requirement for any future Specific Implementation Plan approval as proposed with this General Development Plan amendment.
- 23. The future development area requires the realignment of the private access route of Heather Crest. The realignment will require an Amendment to the Transit Easement per Document No. 4129968 for the new alignment and to add the necessary area to the easement at its westerly end at N Segoe Road.
- 24. The proposed new building improvements crosses an underlying platted lot lines. Future Specific Implementation Plan approvals will require the owner to prepare and submit to the Planning Division a Certified Survey Map (CSM) to dissolve underlying lot lines to comply with fire codes, City Ordinances and City policies. The CSM shall be approved by the City, recorded with the Dane County Register of Deeds and new Tax Parcel information available prior to issuance of any future new building permit.

Please contact Sean Malloy of the Traffic Engineering Division at (608) 266-5987 if you have any questions regarding the following twelve (12) items:

- 25. The applicant shall submit a deposit of \$30,000 for the installation of a Rapid Rectangular Flashing Beacon(RRFB) crossing on N Segoe Road at Kelab Drive/ Heather Crest.
- 26. The Traffic Engineering Division recommends that Heather Crest Drive be reconstructed as shown in Alternative 1 in the plan set. Traffic Engineering views Heather Crest Drive as an important bicycle connection between the neighborhoods east and west of N Midvale Boulevard and recommends that the street operate as it does today. The addition of perpendicular parking on Heather Crest Drive increases the risk of a vehicle/bicycle conflict as drivers have reduced vision when leaving their parking stalls. As such, it the recommendation of Traffic Engineering to have the applicant construct Heather Crest Drive as shown in Alternative 1 (parallel parking) as opposed to Alternative 2 (perpendicular parking).
- 27. The applicant shall not alter the public right of way on Price Place. In the exhibits, a parking pullout is shown, this can only be installed on the private section of Price Place.

- 28. The applicant shall note on the face of the General Development Plan that all improvements shown in the public right of way are not approved with this plan.
- 29. The developer shall provide a recorded copy of any joint driveway ingress/egress and crossing easements and shall be noted on face of plan.
- 30. 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 staff 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, Traffic Engineering Shop, 1120 Sayle Street ((608) 266-4766). The applicant shall return one signed approved building elevation copy to the City of Madison Traffic Engineering office with final plans for sign-off.
- 31. The applicant shall adhere to all vision triangle requirements as set in MGO Section 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). Alterations necessary to achieve compliance may include but are not limited to; substitution to transparent materials, removing sections of the structure and modifying or removing landscaping elements. If applicant believes public safety can be maintained they shall apply for a reduction of MGO Section 27.05(2)(bb)–Vision Clearance Triangles at Intersections Corners. Approval or denial of the reduction shall be the determination of the City Traffic Engineer.
- 32. Per MGO Section 12.138 (14), this project is not eligible for residential parking permits. It is recommended that this prohibition be noted in the leases for the residential units.
- 33. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawing 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.
- 34. 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.
- 35. 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.

36. All parking facility design shall conform to the standards in MGO Section 10.08(6).

Please contact Jenny Kirchgatter, Assistant Zoning Administrator, at (608) 266-4429 if you have any questions regarding the following four (4) items:

- 37. Section 28.185(7)(a)5 requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson at streets@cityofmadison.com. Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition. A demolition or removal permit is valid for one year from the date of the Plan Commission.
- 38. Include a summary of the existing Hilldale building descriptions, including building uses, floor area, and number of stories.
- 39. Under the proposed building descriptions, list the building use and height as minimum/maximum range.
- 40. Update the Family Definition in the zoning text as follows: "The family definition of this Planned Developmentshall coincide with the definition given in Chapter 28.211 of the Madison General Ordinances for the RMX zoning district."

Please contact Bill Sullivan of the Madison Fire Department at (608) 261-9658 if you have any questions regarding the following item:

41. The Madison Fire Department does not object to the general use of the proposal. Additional and more in depth details will be required with future Specific Implementation Plans to determine compliance with fire access lanes, building and fire protection compliance, and details for the how and what the outdoor spaces would be set up and used.

Please contact Jeff Belshaw of the Madison Water Utility at (608) 261-9835 if you have any questions regarding the following two (2) items:

- 42. Update plan set to include a proposed utility plan.
- 43. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.

Please contact Ann Freiwald of the Parks Division at (608) 243-2848 if you have any questions regarding the following item:

44. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sec. 16.23(8)(f) and 20.08(2) will be required for all new residential development associated with this project. This development is within the West Park-Infrastructure Impact Fee district. Please reference ID# 21040 when contacting Parks Division staff about this project.

Please contact Tim Sobota of Metro Transit at (608) 261-4289 if you have any questions regarding the following six (6) items:

- 45. The applicant shall renew the same terms and conditions of the existing recorded permanent limited easement for municipal transit purposes, across any improvements to the existing access drive (Heather Crest) between Segoe Road and the traffic signal at Midvale Boulevard (Dane County Document No. 4129968, dated November 8, 2005).
- 46. Placement of perpendicular parking stalls on the Heather Crest access drive where vehicles would back into the path of scheduled bus travel Heather Crest Street Alternative 2 on submitted plans would interfere with or disturb Metro's [safe] use of the Access Drive under the terms of the permanent limited easement. Metro Transit would support placement of parallel parking stalls along the permanent limited easement area (Heather Crest access drive) as shown in Alternative 1.
- 47. The applicant shall maintain or replace the two existing curbside bus stop zones, accessible boarding areas and all passenger amenities (signs/benches/shelters), which are located on both the north and south sides of the Heather Crest access drive, west of the Price Place intersection.
- 48. The existing curbside bus stop zones and accessible pedestrian boarding areas along the permanent limited easement Heather Crest access drive between N Segoe Road and Price Place provide critical access to the City's current transit operations, and any planned or permitted obstruction of the existing bus stop zones in excess of thirty (30) days may require additional improvements and/or other mitigation measures in order to create detour bus stop zones that would serve the Heather Crest access drive and Price Place intersection area in a comparable operational and accessible manner. This may include posting parking prohibitions on both sides of Price Place south of the Heather Crest access drive and installing accessible boarding areas between the curb and sidewalk on each side of Price Place south of the Heather Crest access drive for detoured curbside bus stop zone purposes.
- 49. Implementation of the fencing and tents as shown in the Street Festival diagram of the plans submitted would interfere with or disturb Metro's use of the Heather Crest access drive under the terms of permanent limited easement. Metro Transit would consider support of limited detour operations off this portion of the Heather Crest access drive, west of Price Place (subject to parking restrictions and alternate accessible curbside bus stop zones being implemented along Price Place south of the access drive).
- 50. The applicant shall include the location of these transit amenities on the final documents filed with their permit application so that Metro Transit may review the design.

Please contact Bradley Hofmann of the Forestry Section at (608) 267-4980 if you have any questions regarding the following eight (8) items:

51. The contractor shall take precautions during construction to not disfigure, scar, or impair the health of any street tree. The contractor shall operate equipment in a manner as to not damage the branches of the street tree(s). This may require using smaller equipment and loading and unloading materials in a designated space away from trees on the construction site. Any damage or injury to existing street

trees (either above or below ground) shallbe reported immediately to City Forestry at (608) 266-4816. Penalties and remediation shall be required. Add as a note on the plan set.

- 52. As defined by the Section 107.13 of *City of Madison Standard Specifications for Public Works Construction*: No excavation is permitted within 5 feet of the trunk of the street tree or when cutting roots over 3 inches in diameter. If excavation is necessary, the Contractor shall contact Madison City Forestry ((608) 266-4816) prior to excavation. City of Madison Forestry personnel shall assess the impact to the tree and to its root system prior work commencing.
- 53. Additional street trees are needed for this project. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction All street tree planting locations and tree species within the right of way shall be determined by City Forestry. A landscape plan (in PDF format) shall be submitted City Forestry for approval of planting locations and tree species. All available street tree planting locations shall be planted within the project boundaries. Add following note to plan: At least one week prior to street tree planting, Contractor shall contact City Forestry at (608) 266-4816 to schedule inspection and approval of nursery tree stock and review planting specifications with the landscaper.
- 54. On this project, street tree protection zone fencing is required. The fencing shall be erected before the demolition, grading or construction begins. The fence shall include the entire width of terrace and, extend atleast 5 feet on both sides of the outside edge of the tree trunk. Do not remove the fencing to allow for deliveries or equipment access through the tree protection zone. Add as a note on the plan set.
- 55. Street tree pruning shall be coordinated with Madison Forestry at a minimum of two weeks prior to the start of construction for this project. All pruning shall follow the American National Standards Institute (ANSI) A300–Part 1 Standards for pruning. Add as a note on the plan set.
- 56. Section 107.13(g) of City of Madison Standard Specifications for Public Works Construction addresses soil compaction near street trees and shall be followed by Contractor. The storage of parked vehicles, construction equipment, building materials, refuse, excavated spoils or dumping of poisonous materials on or around trees and roots within five (5) feet of the tree or within the protection zone is prohibited. Add as a note on the plan set.
- 57. All proposed street tree removals within the right of way shall be reviewed by City Forestry before the Plan Commission meeting. Street tree removals require approval and a tree removal permit issued by City Forestry. Any street tree removals requested after the development plan is approved by the Plan Commission or the Board of Public Works and City Forestry will require a minimum of a 72-hour review period which shall include notification of the Alderperson within whose district is affected by the street tree removal(s) prior to a treeremoval permit being issued. Add as a note on the plan set.

58. An existing inventory of street trees located within the right of way shall be included on the landscape, site, demo, and utility plans. The inventory shall include the following: location, size (diameter at 4 1/2 feet), and species of existing street trees. The inventory should also note if a street tree is proposed to be removed and the reason for removal.

Please contact my office at (608) 261-9632 if you have any questions regarding the following nine (9) items, including the conditions of approval added by the Plan Commission (#66 and 67):

- 59. The letter of intent for the General Development Plan shall include land use and project data for the "Building 100" project similar to the way the other four buildings are detailed.
- 60. The development plans shall be revised for final Planning Division approval prior to recording and the issuance of building permits to provide a detailed breakdown of the existing and proposed gross floor area and leasable commercial space throughout Hilldale Shopping Center, including all of the existing commercial buildings north of Heather Crest and along Price Place.
- 61. The applicant shall submit an updated zoning text for the Hilldale Shopping Center PD district that updates the document from the 2010 document on file with Zoning. The updated zoning text shall be approved by the Planning Division and Zoning Administrator. In lieu of an enumerated list of uses, the updated text may default to the uses allowed in the RMX (Regional Mixed-Use District).
- 62. During review of the Specific Implementation Plan for Building 200, the applicant shall incorporate at least one usable entrance from the Price Place sidewalk and other architectural features to ensure that the eastern façade of that building is as well activated as the northern and western facades of that building (i.e. Building 200 is as activated along Price Place as it will be from the landscaped plaza).
- 63. Label Building 500 on all plan sheets in the final General Development Plan.
- 64. Implementation of the strategies outlined in the Transportation Demand Management Plan (TDMP) included with the General Development Plan shall be included with future Specific Implementation Plan(s) submitted for Phase 3 projects. The applicant shall receive final approval of the TDMP(s) by the City Traffic Engineer and the Planning Division prior to approval of final plans and issuance of building permits for Phase 3 projects.
- 65. The following language be added to the final zoning text: "The final building heights and development intensities included in the amended General Development Plan are set as maximums and may or may not be ultimately achieved upon full build-out of Phase 3 depending on the submittal and approval of each Specific Implementation Plan. The Specific Implementation Plans for each Phase 3 project shall be reviewed against the standards included in the Planned Development section of the Zoning Code to determine if the development can be accommodated on the site, particularly the transportation impacts (access, automobile and bicycle parking, etc.) of the proposed development."
- 66. That future Specific Implementation Plan submittals include additional details regarding future sustainability measures

67. That the building at 401 N Segoe Road be photographed and catalogued prior to the issuance of permits to raze the structure.

<u>No</u> interior, exterior or structural demolition or wrecking activities or remodeling activities (including material reclamation activities by the applicant or a third party) shall commence nor any wrecking or building permits be issued until the applicant has met all of the conditions of approval stated in this letter.

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

Please now follow the procedures listed below for obtaining permits for your project:

- The applicant shall resubmit a PDF copy of the plan set and any other supporting materials that are necessary, as specified in this letter to <u>sprapplications@cityofmadison.com</u>. (Note: A 20MB email limit applies and multiple transmittals may be required.). A check for the site plan review fee shall be mailed to the City of Madison Building Inspection Division; PO Box 2984; Madison, WI 53701-2984.
- 2. City Agencies who submitted conditions of approval will review your revised plans to verify that their conditions, along with any applicable requirements, have been satisfied. When the revised plans are submitted, the applicant will be emailed a hyperlink to a website to follow, in real time, which agencies have reviewed the revised documents, and signed off or need additional information.
- 3. 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.
- 4. If the approved General Development Plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain General Development Plan approval. 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.
- 5. This Planned Development approval shall expire five (5) years after the date of the Common Council approval of the last Specific Implementation Plan.
- 6. No alteration of this proposal shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may approve minor alterations that are approved by the Director of Planning and Community and Economic Development following consideration by the alderperson of the district, and which are compatible with the concept approved by the Common Council.

If you have any questions regarding obtaining your building permits, please contact the Zoning Administrator at (608) 266-4551. If you have any questions or if may be of any further assistance, please do not hesitate to contact my office at (608) 261-9632 or tparks@cityofmadison.com.

Sincerely,

Timethy MParks
Timothy M. Parks
Planner

cc: Tim Troester, City Engineering Division
Jeff Quamme, City Engineering Division
Sean Malloy, Traffic Engineering Division
Jenny Kirchgatter, Asst. Zoning Administrator
Bill Sullivan, Madison Fire Department
Jeff Belshaw, Madison Water Utility
Tim Sobota, Metro Transit
Ann Freiwald, Parks Division
Bradley Hofmann, Forestry Section
Jessica Vaughn, Urban Design Commission
Heather Bailey, Landmarks Commission

I hereby acknowledge that I understand and will comply with the above conditions of approval for the demolition for this project.
Signature of Applicant
Signature of Property Owner (If Not Applicant)

LNDUSE-2021-00113				
For Official Use Only, Re: Final Plan Routing				
\boxtimes	Planning Div. (T. Parks)	\boxtimes	Engineering Mapping Sec.	
\boxtimes	Zoning Administrator	\boxtimes	Parks Division	
	City Engineering	\boxtimes	Urban Design Commission	
\boxtimes	Traffic Engineering	\boxtimes	Recycling Coor. (R&R)	
\boxtimes	Fire Department		Other: Forestry Section	
\boxtimes	Water Utility	\boxtimes	Other: Metro Transit	