



Department of Planning & Community & Economic Development

## Planning Division

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June 8, 2020

From: Dan McAuliffe, Planning Division;

Greg Fries, Engineering (stormwater);

Bryn Bemis, Engineering (environmental)

Annette Miller, EQT by Design (project consultant team)

RE: Hartmeyer property detailed information for Board of Park Commissioners

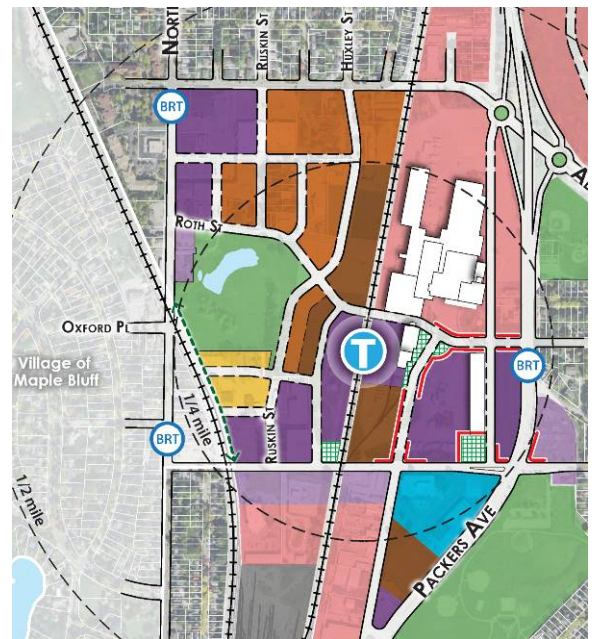
At their May 13, 2020 meeting, the Board of Park Commissioners requested more information specific to the Hartmeyer property. This included the development concept in the draft Oscar Mayer Special Area Plan, and two development illustrations not vetted by staff; one submitted by Ald. Abbas and the other by Paul Noeldner, Maple Bluff resident and founder of Friends of Hartmeyer Natural Area (FHNA).

### Plan Recommendation:

The plan recommends a 13.5 acre open space comprised of a 7 acre wetland and an additional 6.5 acres of parkland dedication. Concepts shown early in the planning process included a smaller 8 acres of open space; after hearing from the public and Plan Commission, the open space was enlarged by nearly 70%. **Staff feels the plan recommendation of a 13.5 acre open space is the largest open space possible that can balance other goals including transit oriented development, needed housing and equity concerns.**

The 13.5 acre open space in the draft plan follows the guidance established in the Parks and Open Space Plan, which shows the surrounding area is well-served by community and regional parks, but lacking the smaller neighborhood park access. A map of surrounding park and open spaces is included on page 6.

Approximately 395 residential units are estimated on the remainder of the property, yielding a parkland dedication requirement sufficient to obtain the 13.5 acre open space at no cost to the City. The City would also receive nearly \$500,000 in Park Impact Fees associated with the residential development, or \$69,340 per park acre.



**Abbas Illustration:**

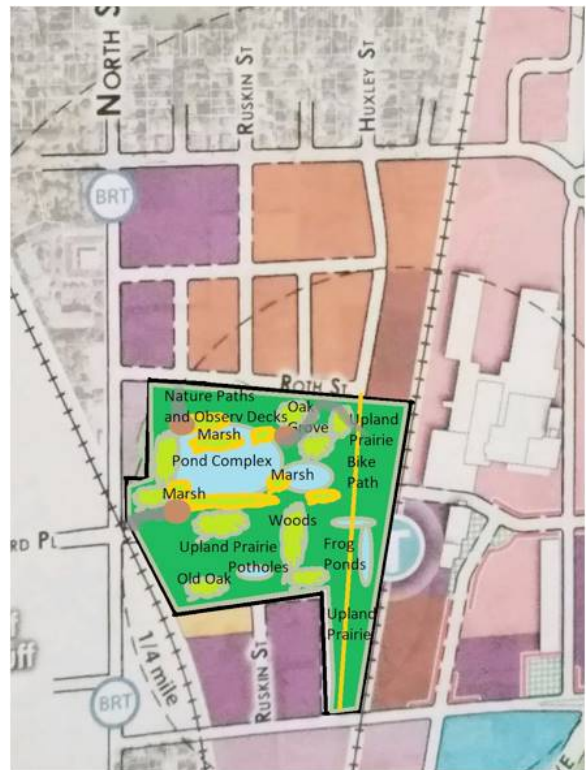
The illustration submitted by Alder Abbas expands the park one block east, and in doing so increases the total open space to 17.6 acres (7 acres wetland and 10.6 acres park). This park expansion results in nearly a 40% reduction of total dwelling units estimated on the Hartmeyer property, and a corresponding decrease parkland dedication generated. The combination of expanded parkland and reduced dwelling units result in 6.5 acre deficiency between parkland dedication generated and parkland show in the illustration. If the Parkland Dedication Fee in Lieu rate was used to estimate a fair market cost, the 6.5 acre deficiency would result in a \$1,053,379 cost to the City. That rate is based on the city-wide average assessed value of land of \$3.74/SF as of Jan 1, 2020. Park Infrastructure Impact Fees are reduced to \$282,353, or \$26,652 per park acre (a 62% per acre reduction vs the Plan Recommendation). If the decrease in housing (vs. Plan recommendation) would be accommodated through peripheral growth, an additional 33 acres would be required and rates of driving would nearly double.<sup>1</sup>



**FHNA:**

FHNA would like the City to purchase the Hartmeyer property for a conservation park. Conservation Parks are typically associated with larger, high quality natural areas, which would not be an appropriate fit the Hartmeyer property. If the decrease in housing (vs. Plan recommendation) would be accommodated through peripheral growth, an additional 86 acres would be required and rates of driving would nearly double.<sup>1</sup>

Staff has made contact with the Hartmeyer Estate numerous times in an attempt to get a ballpark price, however they have never responded to those requests. Staff does not believe the current [assessed value](#) (\$1,742,000) is close to a fair market price. Properties classified as manufacturing are assessed by the State of Wisconsin, not the City of Madison, and often vary dramatically from fair market price. In commercial property development, the costs, values and potential income streams associated the final development are major factors in determining land value. As a result, utilizing per-acre prices of other recent land transactions is not a valid approach to establishing market value unless development potential, constraints and contexts are similar.



It should also be noted that if the City purchased the property, it would not generate park impact fees to

<sup>1</sup> Source: Madison in Motion Sustainable Transportation Master Plan; ACS Journey To Work Data

assist with park development costs. Cost to convert the former industrial lands to natural areas consistent with the vision established by FHNA would be far greater than managing (or acquiring additional acreage next to) existing high quality natural areas such as nearby Cherokee Marsh.

All estimations of a potential fair market price are only relevant if there is a willing seller. If the Hartmeyer Estate is not a willing seller, the City could pursue acquisition through eminent domain. To Planning staff’s knowledge, the City has not used eminent domain for park acquisition purposes.

	Total open space (acres)	Park space (acres)	Est. housing units	Parkland dedication (acres)	Dedication surplus/deficiency (acres)	Acquisition Cost (based on parkland dedication fee in lieu rate of \$3.74 per sf)	Park impact fees collected	Impact fees per park acre
Plan Recommendation	13.5	6.6	395	6.7	0.1	\$0	\$455,222	\$69,340
Abbas Illustration	17.6	10.6	245	4	-6.5	\$1,053,379	\$282,353	\$26,652
FHNA Illustration	29.6	29.6	0	0	-29.6	\$4,818,392	\$0	\$0

**Stormwater and Wetland Information**

While the property may have had a “historic” wetland centuries ago, [publicly available aerial photography from the 1930s shows no trace of a wetland](#) and the northern portion of the property being actively farmed. No visual evidence of a wet soil or standing water exists until aerial photography from 1995. That photograph shows a wet area just beyond and following the outfield fence of the East Madison Little League fields, suggesting it may have been a constructed depression to handle runoff from the nearby Oscar Mayer parking lot on the Hartmeyer property. A time-series of aerial photographs of the Hartmeyer dating back to 1937 is included on page 7.

The 7 acre wetland would generally be classified as a low-quality wetland, with dominant vegetation including Reed Canary Grass (invasive species), Hybrid Cattail (invasive species), redtop grass (non-native), Kentucky bluegrass (non-native). The wetland delineation report noted the conditions were wetter than normal range in the 3 months prior to fieldwork, possibly resulting in a temporarily expanded perimeter.

The wetland is groundwater fed, in an enclosed depression and surrounded by hydric soil (non-infiltrating). These facts yield a few key takeaways for the property and the larger planning area. First, **the property has no flood prevention/management value to the City and its residents**. The non-infiltrating soils cannot act as a sponge for runoff from impervious surfaces elsewhere. Secondly, being an enclosed depression means that any stormwater that goes toward the wetland over and above the existing amount (which appears to be in an equilibrium with evaporation) would have to be pumped out.

Some have expressed concern that if the Hartmeyer property is developed per the draft plan, the wetland will be a dumping ground for runoff. This scenario is extremely unlikely. First, **NR 151 (state water quality rules) prohibits untreated runoff from being directed towards wetlands**. Currently, untreated stormwater discharges from the former Oscar Mayer parking lot directly to the wetland. Redevelopment of the site would speed rectification of this issue. Second, the **Engineering Division would not allow stormwater be directed toward the wetland** since the enclosed depression state would require costly pumping of accumulated stormwater to regularly occur. Lastly, all scenarios involve the Parks Division gaining control of the wetland and surrounding park space. During the development and dedication phase of approvals, **the**

**Board of Park Commissioners would need to approve any stormwater directed toward a future park space.**

While the Board could make any decision they feel appropriate at that time, the Parks Division is very aware of the challenges that occur if parks receive offsite stormwater, as it the case at Odana School Park.

On June 2, 2020, the approved a revised stormwater ordinances that will put much tighter restrictions on how stormwater is managed. As a result, it is very possible development with associated stormwater improvements will improve the surrounding conditions of the wetland and provide a more balanced hydrology.

**Contamination:**

The 31-acre Hartmeyer property was historically leased by Kraft Heinz. The [Wisconsin DNR identifies at least two open sites](#) on the property related to recent diesel spills, as well as closed site that involved 14,000 gallons of spilled fuel oil. Residual petroleum contamination is primarily focused along the railroad corridor, although recent testing indicates that polycyclic aromatic hydrocarbon (PAHs) contamination is widespread across the site in shallow soils.

Despite the Hartmeyer estate's contamination, staff does not have concerns about the appropriateness of future development, including residential, for two reasons. First, redevelopment is often the most effective tool in remediating brownfield properties. One prominent case is Royster Corners, a 26-acre former fertilizer plant contaminated with fertilizer, pesticides, and petroleum products. The developers of Royster Corners worked closely with the DNR's Environmental Cleanup and Brownfield Redevelopment Program to safely transition this property from a contaminated industrial site to one clean enough for 51 single residential lots and 13 acres for mixed use and residential buildings. So far, 160 dwelling units and the new Pinney Library are built as the phased redevelopment continues. The Wisconsin DNR has a robust brownfield redevelopment program and the State of Wisconsin has a variety of brownfield grant programs to assist private developers.

Second, as part of the City's plat approval process for the Hartmeyer property, staff requires that environmental investigation reports be submitted for any lands dedicated to the City (e.g. parkland, right of way, stormwater parcels). This is standard practice for all dedications to ensure we do not unknowingly take possession of contaminated property. By obtaining a portion of the property through parkland dedication, the City would be insulated from financial responsibility of any needed remediation, as the developer would be responsible for remediation for the entire site as part of the development process. Further, as a last check, the Board of Park Commissioners must approve the final park dedication and the state of the land the City would be obtaining.

**Equity:**

A large focus of the Oscar Mayer Special Area Plan was embedding equity throughout the plan development and in all recommendations, and not simply sprinkling statements about equity in the document. Part of that effort was the plan's Key Constituency Advisory Group, facilitated by Annette Miller of EQT by Design. These focus groups actively sought the voices of those who are under-represented in public process, including persons of color and low income populations. Overwhelmingly, participants concerns focused on adding housing, economic opportunities and preventing displacement. Adding large amounts of park space was not a common theme, though it was understood that the concepts would include a neighborhood park.

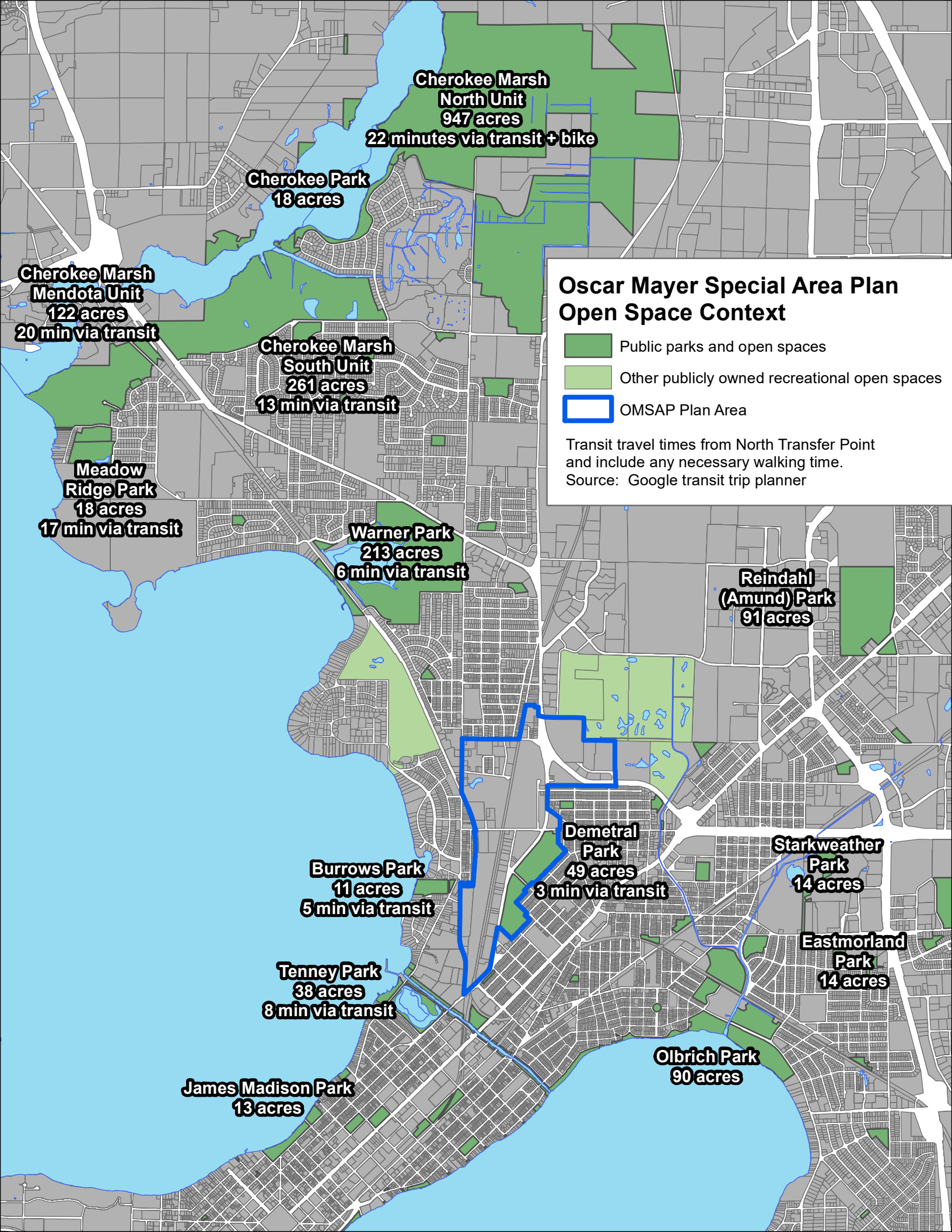
When discussing the type of public space the plan should including, their comments centered around having a space that they felt comfortable in, and having facilities to meet a diversity of recreational needs. A conservation park or nature preserve was not mentioned as being an important feature. Anecdotally, staff

has heard persons of color often do not feel comfortable in urban natural areas because those spaces and users don't feel welcoming to them. Repeating this type of open space on the Hartmeyer property will not help create a space for all Madison's residents.




**Adopted Plan Consistency:**

Several previously adopted plans and studies address the Hartmeyer property, including the Oscar Mayer Strategic Assessment (2019), Comprehensive Plan (2018), Parks and Open Space Plan (2018), Northport Warner Sherman Neighborhood Plan (2009). All of these were approved by Common Council and most were reviewed and recommended for approval by the Board of Park Commissioners.

The table starting on page 8 identifies relevant goals policies and objectives from those plans, and how the draft plan, Abbas illustration and FHNA illustration compare. The Plan recommendation follows the Park and Open Space Plan guidance regarding the need for a neighborhood park. Since special area plans do not program future park spaces, it is assumed the space will have features typical of neighborhood parks. This could change after park dedication though the park planning process led by the Parks Division. The FHNA concept ratings were based characteristics similar to a conservation park. The Abbas illustration does not specify the character, but Ald. Abbas has previously spoken in favor of a conservation parks so it was rated as such.



## Oscar Mayer Special Area Plan Open Space Context

-  Public parks and open spaces
-  Other publicly owned recreational open spaces
-  OMSAP Plan Area

Transit travel times from North Transfer Point and include any necessary walking time.  
Source: Google transit trip planner

# Hartmeyer Parcel History 1937-2005

1937



1955



1968



1995



2000



2005



## Goals, Strategies and Recommendations Comparison

Comprehensive Plan (Adopted 2018)	Plan draft	Abbas Illustration	FHNA Illustration
<b>Land Use and Transportation</b>			
Implement <b>bus rapid transit</b> (BRT) to improve travel times, enhance reliability, and <b>increase ridership</b> .	✓	✓	X
Concentrate the highest intensity <b>development along transit corridors</b> , downtown, and at Activity Centers.	✓	?	X
Facilitate compact growth to reduce the development of <b>farmland</b> .	✓	?	X
Expand and improve the city's <b>pedestrian and bicycle networks</b> to enable safe and convenient active transportation.	✓	✓	✓
<b>Neighborhoods and Housing</b>			
Create <b>complete neighborhoods</b> across the city where residents have access to transportation options and resources needed for daily living.	✓	✓	X
Support development of a <b>wider mix of housing</b> types, sizes, and costs throughout the city.	✓	?	X
Increase the <b>amount of available housing</b> .	✓	✓	X
Integrate <b>lower priced housing</b> , including subsidized housing, into complete neighborhoods.	✓	?	X
<b>Economy and Opportunity</b>			
Support <b>small businesses</b> and cultivate <b>entrepreneurship</b> , especially businesses owned by underrepresented groups.	✓	✓?	X
<b>Culture and Character</b>			
Create <b>vibrant and inviting places</b> through creative architecture and urban design.	✓	✓	X
Create safe and affirming <b>community spaces</b> that bring people together and <b>provide social outlets for underrepresented groups</b> .	✓	?	?
<b>Green and Resilient</b>			
<b>Acquire parkland</b> and upgrade park facilities to <b>accommodate more diverse activities and gatherings</b> .	✓	✓?	✓?
Improve and preserve <b>urban biodiversity</b> through an interconnected greenway and habitat system.	✓	✓	✓
Develop a healthy and diverse <b>urban tree canopy</b> .	✓	✓	✓
<b>Effective Government</b>			
Locate community facilities to provide a <b>high-level of service</b> to all neighborhoods.	✓	✓	✓
Ensure <b>new development</b> occurs in locations that can be <b>efficiently served</b> to minimize costs on the community as a whole.	✓	?	X



<b>Park and Open Space Plan (Adopted 2018)</b>	<b>Plan draft</b>	<b>Abbas Illustration</b>	<b>FHNA Illustration</b>
<b>DESIGN PARK FACILITIES TO ACCOMMODATE DIVERSE ACTIVITIES AND POPULATIONS.</b>	✓	?	X
Provide flexible spaces that can respond to changing recreational trends.	✓	?	X
Incorporate spaces and facilities appropriate for different cultures, age groups, and abilities.	✓	?	X
Provide sufficient fields and courts to accommodate tournaments and other multiple field or court competitions.	✓	?	X
<b>PROTECT AND ENHANCE NATURAL AND CULTURAL RESOURCES.</b>	✓	✓	✓
Continue to acquire conservation parkland to preserve unique habitats.	✓	✓	✓
Develop native plant habitats and ecosystems within parks, increasing biodiversity.	✓	✓	✓
Respect and protect tribal sacred sites.	✓	✓	✓
<b>ACQUIRE PARKLAND TO REDUCE PARKLAND DEFICIENCIES AND ADDRESS INCREASING RESIDENTIAL DENSITY.</b>	✓	✓	✓
In areas of high residential density, preserve undeveloped land for open space or acquire new parkland on existing developed property, where feasible.	✓	✓	✓
Ensure that Neighborhood Development Plans identify adequate parkland for proposed residential density.	✓	✓	✓
<b>ENSURE THAT NEW PARK DEVELOPMENT OCCURS IN A FISCALLY SUSTAINABLE MANNER.</b>	✓	X	X
Seek out and utilize innovative sources of support to enhance parkland and amenities.	?	?	?
<b>CREATE EQUITABLE ACCESS AND FUNDING FOR PARKS.</b>			
Identify and develop parkland and amenities that create inclusive park experiences.	✓	✓	?
Incorporate public engagement methods and partnerships during the park planning process to help ensure all members of the Madison community are represented.	✓	?	?
Ensure funding is allocated equitably for development of new facilities, upgrading of existing infrastructure, and acquisition of new parkland.	✓	?	?
<b>IMPROVE THE PARK SYSTEM'S CAPACITY TO WITHSTAND FUTURE ENVIRONMENTAL CHANGES.</b>			
Ensure best management practices for stormwater runoff and infiltration to reduce impacts of increasing storm severity.	✓	✓	✓
Ensure park design and amenities are flexible to accommodate dynamic climate patterns.	✓	✓	✓
Design and support opportunities for winter activities that are less impacted by climate change.	✓	✓	✓
<b>INCREASE CONNECTIVITY BETWEEN PARKS TO ENHANCE ACCESS.</b>			
Connect parks with other city amenities through trails and public transportation.	✓	✓	✓

Northport Warner Sherman Neighborhood Plan (Adopted 2009): Redevelopment principles and goals specific to Northgate, Kraft/Oscar Mayer (Hartmeyer property)	Plan draft	Abbas Illustration	FHNA Illustration
Transit-Oriented, Mixed-Use Redevelopment: By building upon existing uses and activities in this area and the proximity to major streets and the rail line, the application of transit-oriented, mixed-use development principles may help in creating innovative and attractive buildings, uses and open spaces and stimulating economic and employment growth.	✓	X	X
Building/Site Aesthetics: Encouraging street-oriented, pedestrian-friendly, aesthetically pleasing building and streetscape design practices may improve the physical perception of the neighborhood and present this area as an inviting place to live, work and play.	✓	X	X
Connectivity and “Main Streets”: Creating a well-linked and well-designed system of streets and paths may connect existing and new streets, activities and uses, as well as promote walkability and multi-modal transportation options. Some of these goals may be achieved by incorporating “main street” design (special attention given to pedestrian amenities such as benches, plantings and banners).	✓	X	X
Preserve Open Space: Preserving and enhancing the existing wetland area and the natural open space features that surround it may promote community building and identity in this area, serve employers/ employees and serve as a greenspace gateway to the Northside.	✓	✓	✓
Employment and commercial buildings focused on creating inviting streetscapes.	✓	X	X
Increased density to utilize transit-oriented development (TOD) principles.	✓	X	X
Create a “main street” system that connects existing streets (such as Stephen Street and Ruskin Street) and new streets to enhance connectivity within and through the site.	✓	?	X
Extend Ruskin Street near Commercial Avenue north to connect with Huxley Street and the existing neighborhood beyond, while mitigating traffic impacts to the neighborhood through traffic-calming measures.	✓	?	X
Connection between potential street/path system, commuter rail and bus transfer point to provide a wide variety of easily accessible transit options.	✓	✓	✓
Preserve open space near existing wetland area to serve as greenspace gateway to the Northside and work with City Engineering to stabilize run-off into the pond. This same space may also be used for urban agriculture purposes.	✓	✓	✓

Oscar Mayer Strategic Assessment (2019)	Plan draft	Abbas Illustration	FHNA Illustration
Target a high density of living wage jobs.	✓	✓	X
Maintain housing affordability and minimize displacement	✓	✓	X
Integrate a welcoming district that serves all ages and diverse cultures.	✓	?	?
Create an integrated and connected multimodal transportation system.	✓	✓	X
Deploy sustainable technologies, improve stormwater, and preserve environmental assets.	✓	✓	✓
Form an identifiable and authentic mixed-use district.	✓	?	X
Proactively utilize city financial resources and statutory powers to optimize tax base growth and achieve the vision.	✓	X	X