



Report to the Plan Commission

May 16, 2011

Legistar I.D. #22427
4002 – 4058 Kipp Street
Conditional Use

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval of a conditional use alteration to allow the construction of a building addition to an existing waste transfer facility and truck terminal.

Applicable Regulations & Standards: “Motor Freight” terminals are identified as a conditional use in M1 (Limited Manufacturing District) zoning. Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.

Summary Recommendation: Subject to input at the public hearing, the Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** a conditional use alteration to allow the construction of a building addition to an existing waste transfer facility and truck terminal at 4002 Kipp Street. This recommendation is subject to the comments and conditions recommended by the Planning Division and other reviewing agencies. Careful consideration should be given to the applicant’s request to remove the previously approved conditions related to hours of operation within the building.

Background Information

Applicant: Tom Pellitteri, Pellitteri Waste Systems; 7035 Raywood Road; Madison, WI 53713
Agent / Contact: Ken Kosciak; Kosciak Construction Inc; 4214 Major Avenue; Madison, WI 53716
Property Owner: Same as the applicant.

Proposal: The applicant proposes to construct a 54,500 square foot building addition to house material and recycling sorting. Additionally, the applicant seeks to modify a previously-approved condition to remove the hours-of-operation restriction on work within the building. Construction is anticipated to start in August 2011 and be completed by year’s end.

Parcel Location: The subject site includes three properties consisting of approximately 7.9 acres in area. The subject site is located in the approved and largely undeveloped Tradesman Industrial Park. The site is located in Aldermanic District 16; Madison Metropolitan School District and is located within Tax Incremental Financing District (TID) 39.

Existing Conditions: The current 30,199 square foot building was completed in 2010. A CSM combining the three original lots was approved in 2009. The large subject lot is just under eight (8) acres in area. At this time, the extension of Kipp Street (Tradesmen Drive) providing a secondary (southerly) access to Marsh Road has not been completed.

Surrounding Land Use and Zoning:

North: Outlot owned by the City of Madison, dedicated in part for stormwater management purposes (zoned M1- Limited Manufacturing District) with wetlands (zoned W-Wetland District), beyond;

South: Undeveloped industrial land (zoned M1) with a quarry in the Town of Blooming Grove (zoned A1- Exclusive Agriculture), beyond;

West: Single-family residences in the Town of Blooming Grove (zoned A1- Exclusive Agriculture) and vacant and occupied industrial properties in the City of Madison (zoned M1), and;

East: Industrial land (zoned M1) with wetlands (zoned W-Wetland District) with Interstate Highway 39 / 90 beyond.

Adopted Land Use Plan: The Comprehensive Plan recommends industrial uses for this site. The Marsh Road Neighborhood Development Plan recommends “light manufacturing and assembly” for this general area.

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: Improvements to this site have not yet been completed. The timing of these improvements is addressed in the comments recommended by the City Engineer.

Zoning Summary: The property is zoned M1 (Limited Manufacturing District). A summary table from Zoning was not received in time to be included in this report.

Project Analysis, Evaluation, and Conclusion

The applicant, Pellitteri Waste Systems, requests conditional use approval to construct a 54,500 square foot building addition housing additional material and recycling sorting facilities. Additionally, the applicant seeks a modification to a previously approved operating condition to remove the hours-of-operation restriction on work within the building. A conditional use for the existing facility was approved in 2009 and this is considered an alteration to that conditional use. The materials from that previous approval can be viewed online at: <http://legistar.cityofmadison.com/detailreport/?key=17298> A copy of the approval letter for that request is included in the Plan Commission materials. This request is again subject to the conditional use approval standards.

Surrounding Context

The site is largely surrounded by platted and undeveloped industrial lands. Wetlands are immediately to the north, though the proposed development is outside of the defined wetland and associated setback areas. Two lots within the subdivision are subject to shoreland zoning requirements, however, the subject property is not subject to these requirements. An active quarry in the Town of Blooming Grove is located south of this industrial park, roughly 1,000 feet from the subject site. Interstate Highway 39/90 lies at the eastern boundary of this industrial park. The property is within Tax Increment Financing District (TID) 39.

The subject property is also in close proximity to six (6) single-family residences within the Town of Blooming Grove. Each of these residences fronts onto Marsh Road. A portion of an adjacent outlot, identified for stormwater management purposes, separates the subject site from two of the nearby residential properties. At its closest point, the nearest property is less than 60 feet from edge of the subject site. The closest of the nearby homes is roughly 260 feet from the subject property, 300 feet from the proposed rear loading/parking area, and 400 feet from the existing building. There are three other residences located further south on Marsh Road, south of the platted and unconstructed “Tradesmen Drive.”

Summary of the Plans

The proposed addition would be constructed on the south side of the existing structure, more than doubling the size of the existing 30,199 square foot facility. The applicant indicates that the new facility would be used as a "material recovery and transfer station" providing on-site sorting of recycling materials. Currently, recyclable materials come to the site and then transferred to a different facility for sorting.

From an operations standpoint, materials will continue to be dropped-off in the building through the overhead doors on the east side, furthest away from the nearby homes. On this side of the building three new overhead doors would be added. Sorted materials would continue to exit the facility along the west side of the structure where three additional loading docks are proposed. One of the primary concerns raised during the review of the original conditional use application was that of truck noise on the west/northwest side of the building. The applicant has installed a large berm, a two-sided wooden fence, and evergreen plantings as part of the previous development phase.

The building addition matches the existing structure in character and design. It is primarily a utilitarian metal industrial building. Like with the original building, the new structure maintains a band of day-lighting transom windows around the building. The tall structure is just under 38 feet in height. Unlike the original building which has a deep site setback, the proposed addition is located closer to the west and south lot lines. On the west, the building is roughly 60 feet from the adjoining industrially-zoned property. On the south, the building will be 25 feet from the future extension of Tradesmen Drive.

The site plan shows the parking lot on the east side of the property will be expanded, including 26 new surface stalls for vehicles and 10 new stalls for trucks. Existing gravel areas used for empty container storage would be expanded, with portions of those storage areas located roughly 25 feet from the street. Plans show that additional chain link fencing will be provided around the developed portion of the site, tying into the wooden fence along the northwestern property boundary. The plans also require changes to the overall landscape plan. The revised landscape plan proposes to relocate multiple white oak and white pine trees that are now in areas planned for site and building expansion. A new retaining wall is proposed along Kipp Street, though details were not included in this plan set.

In addition to the relocated plantings, staff believe that additional plantings are necessary to provide screening that more closely matches what was previously approved. Along the expanded storage areas, staff recommend additional screening plantings be provided between the proposed chain link fence and the street right-of-way. Along the west building side, staff also recommend additional plantings be provided in addition to the relocated white pines. Considering the relatively tall building and minimal front setback, staff also recommend some additional landscaping be provided the building's south elevation, though this can be primarily ornamental in character and does not need to provide a solid vegetative screen. Finally, while it appears that the existing berm will continue to provide some screening of the loading areas along the property's northwest side, staff recommend that the solid wood fence and additional evergreen plantings be extended to the south to screen the new loading bays, similar to what was done for the original building.

The applicant is also required to receive final approval of the industrial park's architectural review board, to which the City has a representative. At the time of report writing, the applicant had been discussing plans with a member of the board, but a formal application had not yet been made.

Please see the recommendation section of this report for more detailed design recommendations.

Request to Amend Operating Conditions

In addition to the building expansion, the applicant also seeks an amendment from two (2) previously approved conditions related to the hours of operation. These approved conditions read:

- That the hours of operation for the facility shall be limited to 5:00 am until 9:00 pm, Monday through Friday and from 6:30 am until Noon, Saturday. Trucks shall not enter or leave the facility prior to 6:30 am or after 7:00 pm, daily. To minimize truck noise impacts there shall be no truck engines running or operating in the north-facing “outbound loading areas” as defined by the Planning Division, prior to 6:30 am. Trucks may operate prior to this time in order to provide on-site snow removal. No doors to the facility should be left open prior to 6:30 am or after 8:00 pm.
- That the facility may operate on Saturdays between the hours of 6:30 am and 9:00 pm following weekday holidays in which there are no trash/recycling collections. Trucks shall not enter or leave the facility prior to 6:30 am or after 7:00 pm, with the exception of trucks performing on-site snow removal.

Staff understands the applicant seeks to strike the first sentence of the top condition. The balance of that condition, including all of the language related to trucks would not be changed. Staff also understands that the applicant requests removal of the below condition. With these amendments the applicant would be able to operate within the facility without restrictions on hours.

Neighborhood Input

The applicant organized and participated in a neighborhood meeting on March 30, 2011 to present their proposal. Questions and issues raised by the attendees included the adequacy of screening, concerns over the impacts associated with longer hours of operation, and questions on the types of materials handled at this facility.

Adopted Land Use Plans

The Comprehensive Plan recommends industrial uses for this area. This broad recommendation includes the accommodation of typical industrial uses including those with “nuisances related to noise, odor, appearance or traffic impacts.” The plan anticipates areas recommended for industrial uses may have an emphasis on truck traffic and include some outdoor storage. The more specific Marsh Road Neighborhood Development Plan also recommends industrial uses for this area though that recommendation states that appropriate uses in this area include “light manufacturing and assembly-not heavy manufacturing.”

Conditional Use Considerations

The Plan Commission previously found the conditional use standards could be met for the existing facility. Planning Division staff is not aware of formal complaints having been raised on the facility since its opening in 2010. Several site and operating conditions were approved along with the original application to address issues such as noise, windblown trash, landscaping, odors, animal control, and truck traffic. With the exception of the changes noted below, staff does not anticipate the addition would result in significantly different impacts. As such, staff believe the previously-approved conditions should continue to address many of the potential impacts. Staff have highlighted two proposed changes that potentially create different impacts.

One change relates to the applicant's request to remove restrictions on the hours of operation within the building. If approved, the applicant would be allowed to operate within the building at any time. Currently, work within the building is limited to the hours of 5:00 am until 9:00 pm. The operating restrictions related to truck operation would remain in effect.

Facility noise is likely the primary consideration in evaluating that request. The applicant has provided a noise study utilizing sound readings from a similar facility. That analysis is attached and estimates that noise at the nearest residential property line (145 feet from the building) could be limited to approximately 59 dBA (decibels A-weighted), with certain construction and insulation techniques. The applicant has indicated this special construction will be used. The resulting noise level would be somewhat louder than the noise generated within the existing facility, though below City's maximum sound level of 65 dBA. As a reference, the applicant-provided study indicates that the existing facility has decibel readings between 50 and 54 dBA. The "base" (pre-development) ambient noise readings noted in the 2009 analysis varied from 50 to 62 dBA during rush hour and from 50 to 56 dBA during non-rush hours.

Staff has previously understood that most of the noise conflicts pertained to truck noise and facility noise when doors or windows are open. Provided the applicant continues to abide by restrictions related to working with open doors and utilizes specialized construction and insulation, staff believe the conditional use standards may continue to be met after revising the condition.

Other potential impacts relate to the proposed outdoor compactor, located along the building's west side. The compactor would be sited roughly 300 feet from the closest residential property. Staff has encouraged the applicant to locate this equipment within the building, though at the time of report writing, staff understands that from an operational standpoint, this external location remains the most feasible alternative for the applicant. In response to staff's concerns, the applicant indicates that there are little to no sound issues when the compactor is running, with the exception of sound peaks of about a second that occur when hydraulics shift from forward to reverse. That sound peak is estimated to be at 56 dBA at 100 feet and 52 dBA at 300 feet, the distance between the compactor and the closest residential property. Both readings are below that of base facility noise, described above. The applicant further indicates that most noise associated with the compactor would be from trucks emptying the compactor. The applicant has committed to maintain the current operating schedule in which trucks would not operate after 7:00 pm.

Staff note that conditional uses remain under the continuing jurisdiction of the Plan Commission, and therefore, should noise or other issues arise or conditions of approval fail to be met, this item could return to the Plan Commission for further consideration.

Conclusion

A conditional use for the existing facility was approved by the Plan Commission in 2009. The applicant now requests approval of a conditional use alteration to allow a 54,500 square foot building addition housing additional material and recycling sorting facilities. The building addition matches the existing structure in character and design. In addition to the proposed physical changes, the applicant seeks a modification to previously approved operating conditions to remove the hours-of-operation restrictions on work within the building.

While a large addition, staff anticipates most impacts will be similar to those for the previously approved building. As such, staff believe it may be possible for the conditional use standards to be met, though careful consideration should be given to the potential impacts including those related to the less restrictive operating hours sought by the applicant.

Recommendation and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division Recommendation (Contact Kevin Firchow, 267-1150)

Subject to input at the public hearing, the Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** a conditional use alteration to allow the construction of a building addition to an existing waste transfer facility and truck terminal at 4002 Kipp Street. This recommendation is subject to the comments and conditions recommended by the Planning Division and other reviewing agencies. Careful consideration should be given to the applicant's request to remove the previously approved conditions related to hours of operation within the building.

1. That the applicant provides a complete site landscape plan for final approval by Planning Division staff that identifies all species and planting schedules. The following revisions shall also be addressed:
 - a. That additional landscaping, including a combination of trees and shrubs, be provided along the south façade in the yard adjacent to Tradesmen Drive.
 - b. That vegetative screening be provided both at the site perimeter and along the proposed chain link fence to screen graveled/container storage areas.
 - c. That coniferous plantings, similar to those approved elsewhere on the berm be provided on the southern edge of the berm.
 - d. That additional screening including coniferous or deciduous plantings be installed along the westerly drive and "future" driveway to Tradesmen Drive, provided this planting does not violate vision triangle standards.
2. That the applicant receives final approval of the industrial park architectural review board and those amendments to the site and building be consistent with these recommendations and approved by Planning Division staff.
3. That the double sided wood fence be extended at least 40 feet to the south to screen the new westerly loading docks from adjoining residential properties.
4. That the applicant provides a detail of the proposed retaining wall proposed along Kipp Street, for approval by staff.
5. That if approved by the Plan Commission, the previously approved hours of operation conditions (9/21/2009 Approval Letter) be revised as follows:

Approval Letter Condition #30: ~~That the hours of operation for the facility shall be limited to 5:00 am until 9:00 pm, Monday through Friday and from 6:30 am until Noon, Saturday.~~ Trucks shall not enter or leave the facility prior to 6:30 am or after 7:00 pm, daily. To minimize truck noise impacts there shall be no truck engines running or operating in the north-facing "outbound loading areas" as defined by the Planning Division, prior to 6:30 am. Trucks may operate prior to this time in order to provide on-site snow removal. No doors to the facility should be left open prior to 6:30 am or after 8:00 pm.

~~Approval Letter Condition #31: That the facility may operate on Saturdays between the hours of 6:30 am and 9:00 pm following weekday holidays in which there are no trash/recycling collections. Trucks shall not enter or leave the facility prior to 6:30 am or after 7:00 pm, with the exception of trucks performing on-site snow removal.~~

6. That if the outdoor compactor is approved by the Plan Commission, condition 35 (in the 9/21/2009 Approval Letter) be amended to specify that operation of an outdoor compactor would be allowed noting that the previously approved restrictions on truck operations remain.
7. That the applicant provides details on the compactor and screening enclosure, for approval by Planning Division staff.
8. That all other Planning Division conditions listed in the 9/21/2009 Approval Letter) remain in effect.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

9. Driveway is shown on plan at 47-feet wide. Reduce driveway width to 40-feet unless otherwise approved by Traffic Engineering.
10. Applicant shall provide a grading and sloping easement for the installation of sidewalk along Kipp Street. This easement shall be required prior to plan sign-off.
11. The Applicant shall provide verification from Madison Fire Department that the proposed addition will comply with the approved fire access.
12. The Developer of the Tradesmen Commerce Park may be required to complete the improvements to Kipp Street adjacent to this development prior to the city granting occupancy of the proposed expansion. No additional drives will be granted on Kipp Street unless the full street and utility improvements are completed.
13. The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping 10- feet wide along Kipp Street (MGO 16.23(3)(a)(2)(c) (plats) & 16.23(5)(g)1 (CSM))
14. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which 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. (POLICY)
15. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5 and MGO 23.01)
16. All damage to the pavement on Kipp Street adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)

17. 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. POLICY AND MGO 10.29
18. 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.
19. Effective January 1, 2010, The Department of Commerce's authority to permit commercial sites, with over one (1) acre of disturbance, for stormwater management and erosion control has been transferred to the Department of Natural Resources (WDNR). The WDNR does not have an authorized local program transferring this authority to the City of Madison. The City of Madison has been required by the WDNR to continue to review projects for compliance with NR216 and NR-151 but a separate permit submittal is now required to the WDNR for this work as well. The City of Madison cannot issue our permit until concurrence is obtained from the WDNR via their NOI or WRAPP permit process.
20. As this site is greater than one (1) acre, the applicant is required by State Statute to obtain a Water Resources Application for Project Permits (WRAPP) from the Wisconsin Department of Natural Resources, prior to beginning construction. This permit was previously known as a Notice of Intent Permit (NOI). Contact Eric Rortvedt at 273-5612 of the WDNR to discuss this requirement. Information on this permit application is available on line <http://dnr.wi.gov/Runoff/stormwater/constrformsinfo.htm> (NOTIFICATION)
21. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to a) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; b) Provide infiltration in accordance with Chapter 37 of the Madison General Ordinances; and c) 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.
22. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
23. The applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain only the following data, each on a separate layer name/level number: a) building footprints, b) internal walkway areas, c) internal site parking areas, d) other miscellaneous impervious areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.), e) right-of-way lines (public and private), f) all underlying lot lines or parcel lines if unplatted, g) lot numbers or the words "unplatted", h) lot/plat dimensions, and i) street names. All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email file transmissions preferred addressing@cityofmadison.com. Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building,

sidewalks, parking/pavement during construction will require a new CAD file. (POLICY and MGO 37.09(2) & 37.05(4))

24. NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration. (NOTIFICATION)

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

25. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information:
a) building footprints, b) internal walkway areas, c) internal site parking areas, d) lot lines and right-of-way lines, e) street names, f) stormwater management facilities, and g) detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
26. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including: a) SLAMM DAT files, b) RECARGA files, c) TR-55/HYDROCAD/Etc. and d) 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. (POLICY and MGO 37.09(2))
27. 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. (POLICY)

Traffic Engineering Division (Contact Bryan Walker, 267-8754)

28. The applicant shall modify the driveway approach according to the design criteria for a "Class 3(a)" driveway in accordance to Madison General Ordinance Section 10.08 (4). The proposed 40 ft width for the entrance on Kipp Street shall have two 10 ft flares resulting in a curb cut of sixty (60) feet.
29. When the applicant submits final plans of one contiguous plan 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, 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'.

30. "Stop" signs shall be installed at a height of seven (7) feet at all 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.
31. The driveway aisle shall be so designed so a minimum of 10 ft sight triangle on both sides of the driveway intersection with the public sidewalk for pedestrian safety. The 10 ft triangle projections will provide adequate vehicular vision clearance.
32. 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.
33. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

Comments were not received in time to be included in this report.

Fire Department (Contact Bill Sullivan, 267-8754)

34. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.
35. Provide fire apparatus access as required by IFC 503 2009 edition, MGO 34.503

Water Utility (Contact Dennis Cawley, 261-9243)

This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility. The Water Utility will not need to sign off the final plans, and not need a copy of the approved plans.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.

Parks Division (Contact Tom Maglio, 266-6518)

This agency did not submit comments for this request.