

PLANNING DIVISION STAFF REPORT

October 6, 2014



PREPARED FOR THE PLAN COMMISSION

Project Address: 4002 Kipp Street
Application Type: Conditional Use Alteration
Legistar File ID #: [35403](#)
Prepared By: Kevin Firchow, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Rick Roll, Acting Principal Planner

Summary

Applicant / Owner / Contact: David Pellitteri; Pellitteri Waste Systems; PO Box 259426; Madison, WI

Requested Action: The applicant requests approval of an alteration to an existing conditional use.

Proposal Summary: The applicant proposes modifications to an approved operating condition established by the Plan Commission to allow for expanded hours at the facility. No building or site plan modifications are proposed.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses [MGO Section 28.183(6)]

Review Required By: Plan Commission (PC)

Summary Recommendation: Subject to the input at the public hearing, the Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the conditional use alteration to amend the operating condition at 4002 Kipp Street. This recommendation is subject to the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The subject site is approximately 7.9 acres in area, 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 and Land Use: The site includes an 85,000 square foot facility used as a waste and recycling transfer facility.

Surrounding Land Use and Zoning:

North: Undeveloped outlot owned by the City of Madison, dedicated in part for stormwater management purposes (zoned CN-Conservancy) with wetlands (zoned W-Wetland District), beyond;

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

East: Industrial land (zoned IL) with wetlands (zoned W-Wetland District) with Interstate Highway 39 / 90 beyond, and;

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 IL).

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.

Zoning Summary: The property is zoned IL (Industrial Limited). No physical changes to the site are proposed.

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

Public Utilities and Services: This property is served by a full range of urban services.

Previous Approvals

In 2009, the Plan Commission first approved the conditional use to establish the waste and recycling transfer facility at this property. Due to the proximity to existing single-family homes and concerns raised by residents, several operating conditions were established. In 2011, the Plan Commission approved an approximate 55,000 square foot addition to building and modified some of the operating conditions.

Copies of the previous approval letters with the approval conditions are attached.

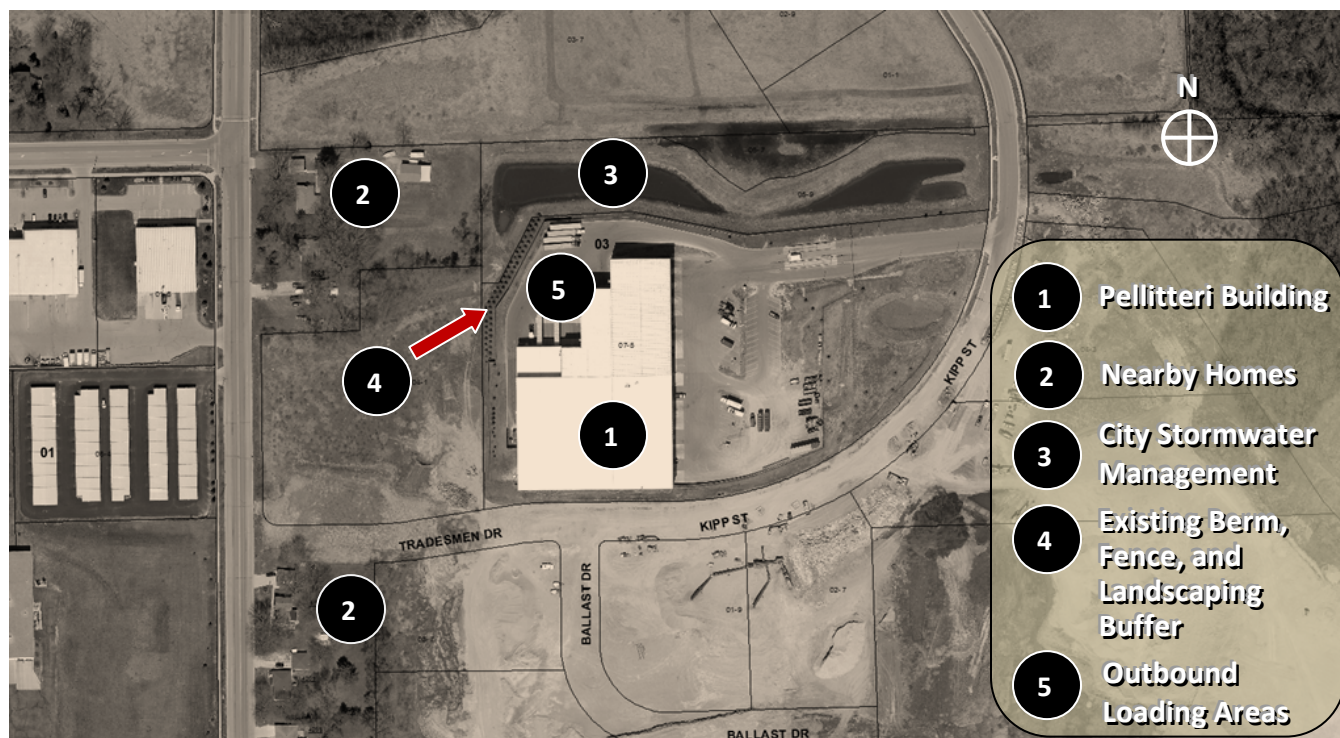
Project Description, Analysis, and Conclusion

The applicant, Pellitteri Waste Systems, requests approval of a conditional use alteration to modify a previously approved condition. The purpose of this request is to allow for expanded operating hours for the existing waste and recycling transfer station. Per the letter of intent, the applicant states that the current hours do not allow for the operation of two full shifts. No site or building plan changes are proposed. This request is subject to the conditional use approval standards.

During previous public hearings to establish and expand this facility, concerns on potential impacts were raised by nearby residents and home owners. The approved facility is in close proximity to five (5) single-family homes within the Town of Blooming Grove. At its closest point, the nearest of these properties is approximately 40 feet from edge of the subject site. The closest home itself is roughly 290 feet from the subject property and 375 feet from the existing building. These properties are separated from the facility by a City-owned outlot utilized for storm water management purposes. Previous approvals required the installation of a berm, double-sided wooden fence, and evergreen plantings as a further buffer. There are three other residences located further south on Marsh Road, south of the platted and unconstructed “Tradesmen Drive.”

A context photo showing these relationships is provided on the following page.

FIGURE 1: Site Context Photo



The aforementioned condition was last modified by the Plan Commission on May 16, 2011 and reads:

That the hours of operation for operating facility machinery is limited to 5:00 am until 9:00 pm, Monday through Saturday. The general maintenance and repair of facility machinery can occur outside of these hours. 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.

The applicant requests the following modifications:

~~That the hours of operation for operating facility machinery is limited to 5:00 am until 9:00 pm, Monday through Saturday. The general maintenance and repair of facility machinery can occur outside of these hours.~~ Trucks shall not enter or leave the facility prior to 6:30 am or after 7:00 9:00 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 North or West Facing doors to the facility should be left open prior to 6:30 am or after 8:00 pm.

The proposed changes would allow the facility to operate at any time, on any day. Truck traffic entering and leaving the facility would still be restricted, though this could occur until 9:00 pm, two hours longer than currently allowed. Finally, the applicant requests flexibility to allow the east-facing doors to be open during working hours. Those doors are on the opposite side of the building from the nearby homes.

Among the key considerations with this request are possible sound impacts on the nearby residences. Planning Division staff and the Zoning Administrator did a site visit on the afternoon of October 1 at approximately 1:00 pm. At that time, the doors on the eastern side of the facility were open. While not consistent with the current approval, this is how the applicant requests the facility operate with the revised condition.

During their visit, staff's observations were that truck arrival or internal operations within the facility were generally not audible on the west and northwest side of the structure, when standing behind the double-sided wooden fence near the top of the berm. No trucks were running or moving at the rear of the structure during staff's visit. There was a low audible "hum" of the HVAC equipment which was noticeably quieter behind the wooden fence. In those areas, sound readings typically measuring about 58 dBA. In areas not behind the wooden fence (which was further from the residences), the HVAC equipment measured a typical 62 dBA. Also clearly audible was highway noise from Interstate I-39 and I-90. From a location at Kipp Street (near where it will ultimately intersect with Tradesman Drive), staff did not observe measurable sound impacts coming from the facility.

Noise from within the facility was more audible on the east side of the structure, which faces towards the interstate and away from the residences. Trucks entering the facility caused short "spikes" in the sound levels ranging from 64-68 dBA. Backup warning "beeps" caused similar spikes.

Based on these observations, it does not appear likely that the proposed expanded hours within the facility would result in a significant increase in facility noise impacting the nearby residences. Trucks operating at the rear of the site, however, could impact the closest residential properties. As proposed, trucks are not allowed to enter or leave the facility after 9:00 pm. Staff have requested a clarification that trucks in the outbound loading areas shall not run between 9:00 pm and 6:30 am.

Staff believes the Plan Commission may be able to find the approval standards are met and notes that the Plan Commission retains continuing jurisdiction authority to resolve complaints against conditional uses. At the time of report writing, staff is aware that a complaint had been filed with the Zoning Administrator regarding trucks operating outside of the approved hours. Planning Division staff has not received other comments related specifically to this request. Should concerns about the unrestricted hours be raised, the Plan Commission may wish to consider limiting the operating hours to a first and second shift or other modifications.

Recommendation

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

Subject to the input at the public hearing, the Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the conditional use alteration to amend the operating condition at 4002 Kipp Street. This recommendation is subject to the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

1. That the applicant's modified condition be clarified to state that there shall be no truck engines running or operating in the north-facing "outbound loading areas" between the hours of 9:00 pm and 6:30 am, daily. Unless otherwise modified by the Plan Commission, the revised condition proposed by the applicant, with the above clarification, shall replace condition 35 in the May 17, 2011 approval letter.

2. That all other Planning Division conditions approved for previous approvals shall remain in full effect.

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

This agency submitted a report with no recommended conditions of approval.

Traffic Engineering (Contact Eric Halvorson, 266-6527)

This agency submitted a report with no recommended conditions of approval.

Zoning Administrator (Contact Pat Anderson, 266-5978)

No comments were provided at the time of report writing.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency submitted a report with no recommended conditions of approval.

Parks Division (Kay Rutledge, 266-4816)

This agency submitted a report with no recommended conditions of approval.

Water Utility (Contact Dennis Cawley, 266-4651)

3. 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.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.