



Report to the Plan Commission

August 17, 2009

Legistar I.D. #15500
4002 – 4058 Kipp Street
Conditional Use

Report Prepared By:
Kevin Firchow, AICP
Planning Division

Requested Action: Approval of a conditional use to allow the construction of a truck terminal and waste transfer station.

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: The Planning Division recommends that the Plan Commission carefully considers the application materials, comments from reviewing agencies, and testimony provided at the public hearing given the many recommended conditions of approval, not all of which have been agreed to by the applicant. Should the Commission find that further information is necessary in order to make a decision on this matter, the Division would support a recommendation of referral.

Should the Commission be able to find the approval standards can be met with the proposed (or modified) conditions of approval, staff recommends the conditional use for the waste transfer station and truck terminal be approved, subject to input at the public hearing and the aforementioned conditions. In the alternative, should the Commission determine that the conditional use standards cannot be met, the item should be placed on file and the Commission should cite the specific conditional use standards that were not met and enumerate the reasons it has used in determining that each standard was not met.

Background Information

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

Proposal: The applicant proposes to construct and operate a truck terminal and waste / recycling transfer facility on three properties zoned M1 (Limited Manufacturing District).

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 undeveloped “Tradesman Industrial Park”, proposed to take access from a future extension of Kipp Street (Tradesmen Drive). 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 site includes three vacant lots in the undeveloped Tradesmen Industrial Park. At this time, the aforementioned extension of Kipp Street (Tradesmen Drive) providing access to the site has not been constructed. Completion of the industrial subdivision improvements are discussed more fully in the comments provided by the Interim City Engineer.

Surrounding Land Use and Zoning:

North: Undeveloped outlot owned by the City of Madison, dedicated in part for stormwater management purposes (zoned M1) 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 Interim City Engineer.

Zoning Summary:

Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	As shown
Lot width	50'	As shown
Front yard	25'	Adequate
Side yards	0'	Adequate
Rear yard	10' – 2-story	Adequate
Floor area ratio	2.0	Adequate
Building height	---	---
Number parking stalls	1 stall per two employees	49
Accessible stalls	1 (1 van accessible)	1 – Phase 1 (See Comment # 42)
Loading	2 (10' x 35') areas	4 (10' x 35') areas
Number bike parking stalls	5	None Shown (See Comment #41)
Landscaping	Yes	(See Comment #39)
Lighting	No	(See Comment #40)
Other Critical Zoning Items		
Urban Design	No	
Barrier Free (COMM 69)	Yes	
Prepared by: Pat Anderson, Asst. Zoning Administrator		

Project Analysis, Evaluation, and Conclusion

The applicant, Pellitteri Waste Systems, requests conditional use approval to allow the construction and operation of a truck terminal and waste transfer station. The subject site is zoned M1 (Limited Manufacturing District) and this proposal requires conditional use approval.

The site includes three adjoining properties within the recently approved “Tradesmen Industrial Park.” In total, the subject property has an area of approximately 7.9 acres. The rezoning and plat of this industrial park were approved in early 2008 and this is the first development proposal for this industrial park. The site is currently undeveloped and subdivision improvements, including the extension of Kipp Street (Tradesmen Drive) providing access to this site, have not yet been constructed. Conditions related to the completion of these improvements have been provided by the City Engineering Division and are noted in the recommendation section of this report.

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 properties are 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 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 proposed waste transfer 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 proposed building. There are three other residences located further south on Marsh Road, south of the platted and unconstructed “Tradesmen Drive.”

Development Phasing

The applicant indicates there will be multiple phases in the overall development of these properties, though they are not all are before the Plan Commission at this time. The initial project phase before the Commission includes the proposed “material recovery and transfer station.” This component is the trigger for conditional use review. Other operations within this initial phase include truck scales, collection vehicle parking, container storage, and trailer parking.

Future phases of development include the construction of a two-story maintenance and administrative building serving as the future company headquarters. This building would be sited close to the street frontage as shown on the site plan. That phase of development is not included in this request and the applicant has estimated that construction may occur within the next two to three years. The balance of this report focuses on the proposal currently before the Commission.

Summary of the Proposed Operation

A description of the proposed operation is included with the applicant's materials. In summary, waste and recycling materials will be brought to the facility, compacted or baled, and then transferred out to recycling, reuse, and disposal centers. All waste handling operations will be performed inside of the proposed waste transfer building and materials would not be stored outdoors. A drain inside the floor of the building would be connected to the City sanitary sewer. Materials handled at this site would include "single-stream" recyclables, residential solid waste, commercial solid waste, corrugated cardboard and shredded paper.

This site will not be used as a landfill and materials will not be permanently stored or disposed of on-site. The applicant has indicated that no waste will be stored in the facility for more than 24-hours in accordance to DNR regulations. Recyclables may be kept on site longer provided applicable fire codes are met. As a clarification, the applicant has noted that the "container storage area" depicted on the site plan would include only empty storage containers. Similarly, the applicant has clarified that collection vehicles parked on the property would be empty.

The applicant indicates the normal hours of operation at the facility will be from 5:00 am until 9:00 pm, Monday through Friday and Saturdays from 5:00 am until noon. The applicant explains that the weekday hours will accommodate two work shifts. In regards to holiday hours, the applicant has clarified the request, wishing to operate from 5:00 am until 9:00 pm on Saturdays following a holiday. Please note, the above-mentioned hours of operation differ slightly from what was proposed in the original application materials. Exact hours of operation are recommended as a condition of approval.

In addition to overall operating hours, the timing of truck arrivals was discussed at a neighborhood meeting. Based on those discussions, staff recommend that the hours of operation be clarified to indicate that trucks shall not arrive prior to 6:30 am and that all facility operations cease and the facility close at 9:00 pm.

The applicant estimates this development will generate roughly 87 truck trips per day and 435 trips per week. These figures may increase. The facility has been designed to allow multiple trucks stacking and the applicant has stated that trucks will not park and idle on the city streets waiting to access the facility.

Staffing for this phase of work includes three employees to man the scales and to operate loading and compacting equipment.

Summary of Proposed Site and Building Plans

The first phase of development includes the 24,000 square foot transfer station building that will be sited at the back (north side) of the property, intended to limit its overall visibility from Kipp Street and Tradesmen Drive. This utilitarian designed building will consist of pre-finished metal walls and includes 10 truck loading bays. (The applicant has requested that the two additional "future" bays on the north side of the building be considered as part of this phase shown on the supplemental graphic). The six eastern-facing bays will be used to take in materials brought to the site. The four northern-facing bays will be used to load trucks leaving the facility with compacted or baled materials. The applicant has indicated that all loading and unloading of materials will occur inside the building; though two of the bays used for trucks leaving the facility are on the exterior building wall and not within the building. The applicant has indicated these would be used for recycled materials and don't have the same potential for spillage, as the other bays that will be loading compacted waste.

The only access to the site proposed during this phase is a long drive along the northern boundary of the property. This drive includes a truck scale and a separate bypass lane for vehicles entering the facility. An infiltration rain garden is proposed south of this drive. The building is surrounded on three sides by parking, loading, and other paved storage areas. The building and surrounding storage areas will be secured and enclosed with a chain link fence with security barb wire. This fencing intended to provide both security for the site and a barrier to limit the spread of windblown debris across the property. Staff understand that this fence will entirely surround the facility, and request that the applicant clarify this on site plan drawings.

The provided landscape plan includes several plantings along the perimeter of the site. The larger species primarily consist of white pine and swamp oak trees. Other ornamental plantings are interspersed along portions of the street frontage. Staff believe that additional landscaping and screening, particularly to the west should be provided. Additional plantings should also be provided to further screen the chain link fence. At present, no landscaping is proposed along this fence. One concern raised by the applicant is that perimeter landscaping along this fence would have to be moved or removed during the construction of the second phase. Based on the information submitted, staff believe there are opportunities to provide additional planting areas that can be incorporated into the future development phases including perimeter screening along the boundary of the Phase II project. Staff recommend that the applicant meet with Planning Division staff to finalize a landscape plan to address the above-noted concerns.

Neighborhood Input

The residents of the Lost Creek subdivision contacted the district Alder and requested a neighborhood meeting to discuss this proposal with the applicant. A meeting was held on August 5, 2009. The meeting included a presentation from the development team and questions and answers from those in attendance. In summary, several concerns and questions were raised regarding truck traffic, hours of operation, noise impacts, odor impacts, landscaping, well impacts, pest/animal concerns, and property value impacts. The applicant agreed to some additional measures at that meeting to address these concerns. These conditions are included in the recommended conditions, with a majority of these conditions are similar to those being recommended by staff. Notwithstanding, staff understands that there remains strong opposition and concerns to this project from some of the nearby residents based on input at that meeting and a follow up discussion with one of the nearby home-owners.

Permitting

Along with complying with City of Madison development regulations, the establishment of this facility is regulated by the Wisconsin Administrative Code, Chapter NR 502.07. The applicant indicates this permitting process is underway. The applicant indicated at the aforementioned neighborhood meeting that the first requirement, the submittal and review of an Initial Site Inspection request has been completed. The next step is the submittal of a detailed Plan of Operation that must be approved prior to receiving solid waste at the facility. Staff requested the applicant provide a copy of that plan to supplement the operational details that have been provided. A preliminary draft of that document was submitted just prior to completion of this report and due to its length (approximately 100 pages) has not been thoroughly reviewed by staff.

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.” While the proposed use is not a manufacturing use, the potential impacts of such a facility may potentially be more intense than what would be anticipated with other light manufacturing operations. Mitigation of these impacts becomes a key consideration. Staff note that this site was zoned to the M1 (Limited Manufacturing District) in 2007 and truck transfer terminals are a conditional use within that district.

Consideration of Potential Impacts and Conditional Use Standards

In evaluating this request, staff have identified several potential impacts that need to be considered as they relate to the Conditional Use approval standards. Conditional Use standards numbers Three (3) and Four (4) likely warrant the closest consideration. Standard Three (3) relates to the “uses, values, and enjoyment of other properties in the neighborhood.” Conditional use Standard Four pertains to the “normal and orderly development” of the area. In many cases, the potential impacts noted below could impact both standards.

In identifying potential negative impacts, Streets Division staff familiar with the City’s waste transfer operation at Olin Avenue were consulted. Considerations that were identified included blowing debris, landscaping, and noise impacts. Planning staff raised concerns earlier in the process and the applicant proposed efforts and strategies to address each. Many of these impacts are unique or potentially more intense than many of the permitted uses in M1 zoning.

Noise Impacts

The materials submitted by the applicant indicate the measures have been proposed to limit noise impacts from this facility. Noise impacts are anticipated from both the facility itself and from the associated truck traffic.

Perhaps the most significant effort to control noise is that waste handling operations will be kept inside of the proposed building. The applicant has further indicated that the structure will be insulated with some sound-reducing measures (though details were not included in the current submittal). While this may indeed limit some noise, staff remain concerned about noise nuisances created with open doors. While the applicant intends only to keep as few open doors as possible, he has indicated that some of bay doors will be open when the plant is in operation (with the exception of hours in which that is expressly prohibited.) Staff is also concerned about the loading bays on the north side of the building and the potential noise impacts that may occur when these doors are open.

Another noise mitigation method proposed by the applicant is to grade the site so that the building elevation is lowered. Based on the general grading information provided, it appears the finished site grade near the building will be lower compared to the Tradesmen Drive frontage. However, the overall site slopes downward towards the adjacent City-owned acquired for stormwater management. The applicant has indicated that the location of the water table limits the ability to further lower the building

elevation. Further clarifications have been requested to identify the elevation of the proposed building in relation to the nearby residences.

Noise generated from trucks in another issue. The district alderperson and several area residences had voiced concerns over trucks idling in the streets while waiting to access a different manufacturing facility further south on Marsh Road. To address this concern, the applicant has indicated that trucks entering or leaving this facility will not park and idle on public streets. However, truck noise would still be generated from trucks idling and backing on the property.

At staff's request, the applicant has provided a copy of a "Noise Level Investigation" providing further information. This study has a limited scope and addresses only the potential sound impacts related to running and backing trucks. In summary, the applicant looked at the truck noises, measured at three points along the boundary of residential properties. The base ambient readings for these sites varied from 50 to 62 dBA (decibels A-weighted) during rush hour and from 50 to 56 dBA during non-rush hours. Sound measured at the point nearest to Marsh Road registered peaks of 73 to 85 dBA as vehicles passed. In testing the increase of sound from back up warning "beeps", the applicant found that these warnings registered between 43 and 52 dBA, which the applicant indicates would be considered "no impact" based on Department of Transportation standards. While this is one source of truck noise, it is unclear similar analysis were done to test multiple trucks or other sounds including breaking, idling, or loading sounds that may be occurring on site.

Finally, the applicant has provided other measures that may mitigate noise, but are not believed to have a significant impact. One effort cited by the applicant is that plantings will limit some of the noise. Staff believe that the landscape plan would need to be substantially increased, and even then a noticeable impact would likely not occur until vegetation matured. The other longer-term measure would be the construction of the new office building on the Tradesmen Drive frontage which isn't anticipated to move forward for at least two more years.

In considering noise, staff believe that the most direct way to limit negative noise impacts will be through amending the proposed operating procedures. The area believed to provide conflicts with nearby residences the northern loading area, serving outbound trucks. Staff believe that trucks in this area should not allow to run, idle, or move prior to 6:30 am. An evening restriction limiting truck movement may also be desirable from a noise reduction standpoint, though staff do not know the feasibility from an operations perspective.

Windblown Trash and Debris

Another potential negative impact is windblown trash and debris. The applicant states that unloading and processing all incoming waste within the building minimizes the potential wind-blown distribution of trash. Staff had originally understood that all incoming and outgoing trucks will be enclosed or covered in a tarp to limit the spread of waste outside the facility. The applicant has since clarified his intent, indicating that trucks may not be covered while on the property and not in the building. Staff believe this is potentially problematic and could lead to windblown debris, especially for trucks outside of the fenced in area. Staff recommend that this condition remain and that trucks outside the building remain covered.

Other efforts to manage windblown trash are proposed. The building, loading areas, and parking areas will be enclosed with a chain link fence, which should limit debris spreading along the site. The applicant has further committed to conduct a daily site and area inspection which would include collecting any litter on the grounds, along fence line or on the public roadways within one-half mile of the site.

Landscaping and Screening

The applicant has provided a draft landscape plans and recommended changes are described in an above section and in the Recommendation section. Staff note that this site is subject to approval by a the development's architectural review committee established at the time the Tradesmen Industrial Park was approved. This approval has not yet occurred.

Odor Impacts

The applicant has identified efforts to limit odor impacts and indicates he does believe there to be much odor associated with this project due to the fact that recyclables don't produce much odor and the trash will be not be on the tipping floor more than 24 hours, as required by DNR regulation. The applicant has identified that due to landfill schedules, it is possible that waste may on site for more than 24 hours, though it will be compacted within 24 hours and transferred as soon as landfill facilities are open.

The primary effort proposed to limit odor impacts is conducting all activities within an enclosed building, noting that no waste will be stored outside the facility. The applicant has also indicated that all waste will be cleaned from the facility floor on a daily basis. Further, the applicant states the design of the facility reduces wind 'blow through' which decreases the ability of any smells leaving the facility. Similarly, Streets Division staff did not believe that odor was a significant issue for the City's enclosed Olin Street facility.

Animal / Pest Control

This particular conditional use has the potential to provide animal and pest nuisances. The applicant has indicated that the floor of the building will be cleaned and all waste removed from the facility floor daily to reduce vermin attraction. Any waste remaining at the end of the operating day would be loaded into vehicles and stored inside the building until it can be further processed on the following day. No waste will be stored outside the building. As noted above, staff believe that covering the vehicles is also import to limit the spread of trash that could attract animal and other pest nuisances.

Hours of Operation

Hours of operation are discussed above. In summary staff understands the following hours are proposed:

- 5:00 am – 9:00 pm (Monday through Friday)
- 5:00 am – Noon (Saturday)
- Closed Sundays and Major Holidays
- Permission requested to operate 5:00 am – 9:00 pm (Saturdays following holidays)

Staff believe that certain further limits should be considered to reduce truck noise prior to 6:30 am. Specific recommendations are in the conditions of approval.

Truck Traffic

To address concerns raised by nearby residents, the applicant has stated he will not utilize Voges Road or Marsh Road (south of Kipp Street) for trucks traveling to and from this facility. This was not intended to preclude the applicant/operator from using these streets when collecting trash from properties on or accessed-only from these streets. The applicant committed to using Kipp Street (north of development

site), Marsh Road (north of Kipp Street), Agricultural Drive, and Femrite Drive as the truck route serving this facility.

Lighting Plan

The applicant's original submittal did not address lighting. Some questions regarding lighting were raised at the neighborhood meeting on August 5, 2009 and the applicant has since prepared documents. These were submitted just prior to finalization of this report and have not yet been reviewed. Approval of this plan is a recommended condition of approval.

Conclusion

The applicant proposes to construct a material recovery and waste transfer station, handling both recyclables and waste. This site is largely surrounded by unplatted and developing industrial lands, though several residences are located within close proximity. While not providing comments on the specifics of this proposal, Streets Division staff have noted that an additional facility of this type would be beneficial within the City. However, the proposed facility potentially provides several unique and more intense impacts than what may normally be anticipated with other permitted uses allowed under the property's M1 zoning. Thus, the most significant challenge for this applicant is to demonstrate that all of the conditional use standards have been met.

Potential adverse impacts have been identified and discussed in this report. These issues were previously expressed to the applicant, and the development team has provided a series of supplemental responses and strategies aimed to address each of these. Staff note that the applicant has provided a great deal of information in response to issues raised at the August 5 neighborhood meeting.

Staff believe that many of the potentially adverse impacts are adequately addressed by the applicant, or could be with the recommended modifications and clarifications noted below. Noise issues remain an ongoing concern and based on the information submitted to date, it remains difficult to completely assess the potential noise impacts. Staff have raised several specific concerns in this report and have provided recommendations relating to noise. Noise and other impacts could potentially affect the "use, values, and enjoyment of surrounding properties" and "the normal and orderly development" approval standards. The Planning Division believes that several conditions would be necessary in order for this proposal to meet the applicable standards. To address potential noise impacts, staff recommend conditions limiting the hours of truck operations on the west and north sides of the building, closest to the residences to the west in order to mitigate noise impacts. Staff note that even with the conditions of approval, there is likely some opposition to this proposal from nearby residents. The Planning Division believes that this application can potentially meet the conditional use standards, if conditions are applied which adequately address potential noise impacts from this proposed facility.

The Plan Commission will need to carefully consider the application, supplemental materials, recommended conditions, and the testimony provided at the public hearing. Should the Plan Commission believe further information is necessary in determining whether the applicable standards are met, a further referral may be necessary.

Recommendation and Proposed Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

The Planning Division recommends that the Plan Commission carefully considers the application materials, comments from reviewing agencies, and testimony provided at the public hearing given the many recommended conditions of approval, not all of which have been agreed to by the applicant. Should the Commission find that further information is necessary in order to make a decision on this matter, the Division would support a recommendation of referral.

Should the Commission be able to find the approval standards can be met with the proposed (or modified) conditions of approval, staff recommends the conditional use for the waste transfer station and truck terminal be approved, subject to input at the public hearing and the aforementioned conditions. In the alternative, should the Commission determine that the conditional use standards cannot be met, the item should be placed on file and the Commission should cite the specific conditional use standards that were not met and enumerate the reasons it has used in determining that each standard was not met.

1. That the hours of operation for the facility shall be limited to 5:00 am until 9:00 pm, Monday through Friday and from 5:00 am until Noon, Saturday. Trucks shall not enter the facility prior to 6:30 am, daily. To minimize truck noise impacts there shall be no trucks engines running or operating in the north-facing "outbound loading areas" as defined by the Planning Division, prior to 6:30 am. No doors to the facility should be left open prior to 6:30 am or after 8:00 pm.

NOTE: The applicant has also requested that the facility is allowed to remain open from 5:00 am until 9:00 pm on Saturdays after holidays. A list of specific potential holidays should be provided.

Additionally, staff note that correspondence received on August 11 indicates that the applicant has not agreed to having a limit on the time when trucks could access the facility during business hours, though further restrictions may be possible, based on follow up discussions. The Plan Commission decision should clarify specific hours of operation based on public hearing input.

2. All trucks shall be fully enclosed or covered when on the property and outside of the building.

NOTE: The applicant previously provided this commitment, though has since clarified his intent, indicating that trucks may not be covered while on the property and not in the building. Staff request this condition remain, but the Plan Commission decision should clarify this item.

3. That the applicant provides further information on the referenced sound-reducing insulation (or other sound-limiting measures) proposed for the building for approval by Planning Division and Building Inspection staff.
4. No waste shall be stored outside the building. The "container storage area" depicted on the site plan would include only empty storage containers. All waste handling operations shall occur within

the building and all dumping and any temporary storage shall occur inside the building and all waste will be cleaned from the facility floor on a daily basis.

5. Waste water shall be directed to the drains that utilize the City sewer system, not introduced into the ground water.
6. That the applicant conducts a daily site and area inspection which would include collecting any litter on the grounds, along fence line or on the public roadways within one-half mile of the site per the materials provided to the Plan Commission.
7. No waste will be held for on site for more than 24 hours, in accordance with applicable DNR standards.
8. The applicant shall work with Planning Division staff to provide a revised landscape plan that provides for increased site screening. The plan shall be submitted for staff approval. The final plan shall include both coniferous and deciduous plantings. Specifically, additional vegetative screening should be provided both at the site perimeter and along the proposed security fence or along the proposed phase two boundary. Further, staff recommend that solid wood fencing and additional dense vegetative screening be provided on the northern and western portion of the site to further screen this site from nearby residences.
9. That the applicant's final site plan submitted for staff approval includes only the improvements proposed for this initial phase of development.

10. That the applicant clarifies the drawing to clarify the exact boundary of the perimeter chain link fence. This fence should completely enclose the building and outdoor storage areas.
11. That the applicant provide further clarifications identifying grade and height of the proposed building to the nearby residences located on Marsh Road.
12. That the submitted lighting plan be reviewed and approved by Planning Division staff.

The following conditions result from additional requests from neighbors that were discussed with the the Applicant at the August 5, 2009 neighborhood meeting:

13. That trucks shall not travel on Voges Road or Marsh Road (south of Kipp Street). The applicant/operator shall utilize Kipp Street (north of development site), Marsh Road (north of Kipp Street), Agricultural Drive, and Femrite Drive as the truck route serving this facility. This condition does not preclude the applicant/operator for using these streets when serving properties on or accessed-only from these streets.
14. Trucks waiting to enter this facility shall not park and idle on public streets.
15. The playing of radios or other intercom systems shall not be audible at the property line.
16. The applicant shall make all environmental insurance documentation/other agreements regarding well contamination available upon request.

The following conditions have been submitted by reviewing agencies:

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

17. Plat improvements need to be constructed prior to final approval of conditional use. Alternately, permit approval shall be granted for site development concurrent with the plat improvements if the applicant provides an interim construction access plan acceptable to the City Engineer, Fire Department and Building Inspection.
18. Any damage to the pavement will require restoration in accordance with the City's Patching Criteria.
19. This submittal has a proposed building over platted lot lines and easements, neither allowed by the building or zoning codes. The owner/applicant shall submit a Certified Survey Map (CSM) to combine the platted lots into one CSM lot dissolving the underlying platted lot lines. The approval and recording of the CSM will also release the underlying platted public drainage easements so that the owner/applicant will not have to work through a separate easement release project with the City Office of Real Estate Services.
20. 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.
21. All work in the public right-of-way shall be performed by a City licensed contractor.
22. The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
23. 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 oil & grease control from the first 1/2" of runoff from parking areas; 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.
24. 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.
25. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) izenchenko@cityofmadison.com. The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. Email file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks,

parking/pavement during construction will require a new CAD file. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal. NOTE: Email file transmissions preferred: lzenchenko@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.

26. 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. 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).
27. The applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management File including: SLAMM DAT files; RECARGA files; TR-55/HYDROCAD/etc., and; sediment loading calculations. If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.
28. The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.
29. All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
30. The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
31. The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
32. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
33. The site plan shall be revised to show all public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service.

Traffic Engineering Division (Contact John Leach, 267-8755)

34. When the applicant submits final plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), and a scaled drawing at 1" = 40'.
35. The applicant shall show the dimensions for proposed parking stalls' items B, C, D, E, F, and degree of angle parking width and backing up, according to Figures II "Medium and Large Vehicles" parking design standards in Section 10.08(6)(b) 2. Signs and planting areas are to be excluded from the rectangular stall areas including the two (2) feet of vehicle overhang. The two (2) feet of vehicle overhang shall be shown on the plan and dimensioned.
36. The applicant shall modify the driveway approaches according to the design criteria for a "Class 3" driveway in accordance to Madison General Ordinance Section 10.08 (4). The proposed 25 ft width for the approach on Kipp Street shall have two – 5 to 10 ft flares. In addition, the public sidewalk shall go through the approach.
37. "Stop" signs shall be installed at a height of seven (7) feet at all driveway approaches behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
38. The parking facility shall be modified to provide for Phase 2 with adequate internal circulation for vehicles dead end parking lot off Kipp Street. This can be accommodated by eliminating a parking stall at the dead ends. The eliminated stall shall be modified to provide a turn around area ten (10) to twelve (12) feet in width and signed "No Parking Anytime."

Zoning Administrator (Contact Pat Anderson, 266-5978)

39. Parking lot plans with greater than twenty (20) stalls shall comply with City of Madison General Ordinances Section 28.04 (12). Landscape plans must be stamped by a registered landscape architect. Provide a landscape worksheet with the final plans that shows that the landscaping provided meets the point and required tree ordinances. In order to count toward required points, the landscaping shall be within 15' and 20' of the parking lot depending on the type of landscape element. (Note: The required trees do not count toward the landscape point total.)
40. Lighting is not required. However, if it is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards. (See parking lot packet). Lighting will be limited to .10 watts per square foot.
41. Bike parking shall comply with City of Madison General Ordinances Section 28.11. Provide five (5) bike parking stalls for phase I, in a safe and convenient location on an impervious surface to be shown on the final plan. The lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user shall be securely anchored to the ground or building to prevent the lockers or racks from being removed from the location. NOTE: A bike-parking stall is two feet by six feet with a five-foot access area. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices.

42. Parking requirements for persons with disabilities must comply with City of Madison General Ordinances Section 28.11 (3) 6.(m) which includes all applicable State accessible requirements, including but not limited to:

- a. Provide a minimum of one accessible stall for phase I, striped per State requirements. A minimum of one of the stalls shall be a van accessible stall 8' wide with an 8' striped out area adjacent.
- b. Show signage at the head of the stalls. Accessible signs shall be a minimum of 60" between the bottom of the sign and the ground.
- c. Show the accessible path from the stalls to the building. The stalls shall be as near the accessible entrance as possible. Show ramps, curbs, or wheel stops where required

Fire Department (Contact Scott Strassburg, 261-9843)

43. Show fire access for both Phase I and Phase II on fire access plans.
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44. Provide fire apparatus access as required by Comm 62.0509 and MGO 34.19, as follows:

- a. The site plans shall clearly identify the location of all fire lanes.
- b. Provide a fire lane that extends to within 150-feet of all exterior portions of the structure, or it can be extended to within 250-feet if the building is fully sprinklered.
- c. A dead-end fire lane that is longer than 150-feet shall terminate in a turnaround. Provide an approved turnaround (cul-de-sac, 45 degree wye, 90 degree tee) at the end of a fire lane that is more than 150-feet in length.
- d. Provide a minimum unobstructed width of 26-feet for at least 20-feet on each side of the fire hydrant.
- e. Fire lanes shall be constructed of concrete or asphalt only, and designed to support a minimum load of 80,000 lbs.
- f. Provide a completed MFD "Fire Apparatus Access and Fire Hydrant Worksheet" with the site plan submittal.

45. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least TWO fire hydrants. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.20 for additional information.

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.

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Parks Division (Contact Tom Maglio, 266-6518)

This agency did not submit comments for this request.