



Report to the Plan Commission

February 4, 2013

Legistar I.D. # 28706
5709 Milwaukee Street
Zoning Map Amendment (PD-GDP-SIP)

Report Prepared by:
Michael Waidelich
Planning Division

Requested Action: Approval of a zoning map amendment for the northern portion of a property located at 5709 Milwaukee Street from PUD-GDP-SIP (Planned Unit Development-General Development Plan-Specific Implementation Plan) and Temporary A (Agriculture) to revised PUD-GDP-SIP to add recycling of asphalt shingles as an allowed use, define more precisely all of the allowed uses within the PUD, and enlarge the planned development to encompass all of the area where uses other than the active quarry face are located.

Applicable Regulations & Standards: This project was submitted prior to the new zoning ordinance taking effect and therefore is subject to the standards for zoning map amendments and planned unit developments in the 1966 code. Section 28.12 (9) of that code provides the process for zoning map amendments. Section 28.07 (6) provides the requirements and framework for planned unit developments. If the requested PUD is approved, the zoning map amendment ordinance contains a provision to assign PD (Planned Development) zoning to the site to provide it with conforming zoning under the new code.

Summary Recommendation: The Planning Division believes that the standards for approval of zoning map amendments and planned unit developments can be met, and recommends that the Plan Commission forward Zoning Map Amendments 3655 and 3656 (old zoning ordinance) and 00024 and 00025 (new zoning ordinance), rezoning a 14.26-acre portion of the property at 5709 Milwaukee Street to PD-GDP-SIP (Planned Development- General Development Plan-Specific Implementation Plan), to the Common Council with a recommendation of approval, subject to the recommended conditions.

Background Information

Applicant: Madison Rock & Sand LLC; 4621 Tonyawatha Trail; Monona, WI 53716
Agent / Contact: Chris Homburg; 4621 Tonyawatha Trail; Monona, WI 53716
Property Owner: Applicant

Proposal: The applicant initially requested an amendment to an existing Planned Unit Development-General Development Plan-Specific Implementation Plan for the Madison Rock & Sand quarry property located at 5709 Milwaukee Street to add the recycling of asphalt shingles as an allowed use. At the suggestion of Planning and Zoning staff, the application was revised to also amend the PUD zoning text to describe more precisely all the allowed uses, and to enlarge the planned development area to encompass all those portions of the property where these activities take place.

Parcel Location: The Madison Rock & Sand quarry is an approximately 47.6-acre property located south of Milwaukee Street, immediately east of Interstate Highway 39-90, within Aldermanic District 3 and the Madison Metropolitan School District. The proposed expanded planned development comprises the northern 14.26 acres of the property.

Existing Conditions: The site is currently used for a rock quarry and related activities, as well as for certain uses related to an off-site construction business, as described in the General Development Plan and Specific Implementation Plan, and illustrated on the site map included with the application. This application does not propose any changes to the current uses.

Surrounding Land Use and Zoning: The entire quarry property is bounded on the west by Interstate Highway 39-90; on the north by Milwaukee Street, and across the street, land also used for quarry and construction-related activities and now zoned IG-General Industrial [M1-General Manufacturing under

the old zoning code]; on the east by vacant land now zoned A-Agriculture [under the old zoning code, these lands were zoned to PUD-GDP and several residential zoning districts, but under the new code, the zoning was changed to Agriculture because the plat for the Second Addition to Grandview Commons had not been recorded and no development was initiated within the required time period]; and on the south by a partially-developed residential subdivision within Grandview Commons zoned PD-GDP-SIP [PUD-GDP-SIP] and planned primarily for single-family uses, with some multi-family uses planned closest to the Interstate Highway.

Adopted Land Use Plan: The *City of Madison Comprehensive Plan* recommends the subject site for eventual development with low-density residential uses. The *Sprecher Neighborhood Development Plan* recommends the site for eventual development with low, low-medium, and medium-density residential uses and park and open space uses (see discussion below).

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

Public Utilities and Services: This property is generally served by City of Madison urban services. However, public sanitary sewer and water service has not been extended to serve the properties along this segment of Milwaukee Street, and the site is currently served by private wells and septic systems.

Zoning Summary: The proposed revised PUD[PD]-GDP-SIP zoning district will define and locate the limited range of existing non-agricultural uses allowed on the northern portion of this large quarry property, and specify concrete and asphalt pavement recycling and asphalt shingle recycling as among the allowed uses. The balance of the property will continue to have Agriculture district zoning. No development project is associated with this rezoning request.

Project Description

The applicant requests a rezoning of a portion of the Madison Rock & Sand quarry property located at 5709 Milwaukee Street to revise and expand the current Planned Unit Development for this site to allow an existing asphalt shingle recycling activity to continue. This activity began in mid-2012, but was subsequently determined by the Zoning Administrator not to be within the scope of uses allowed by the current PUD. At the suggestion of Planning and Zoning staff, the rezoning application was revised to also clarify and address several technical deficiencies in the current PUD.

The proposed revised and expanded PUD-GDP-SIP [PD-GDP-SIP] will:

- Add asphalt shingle recycling as an allowed use within the planned development.

This activity began on this site in mid-2012, and is the only use that has not been established on the property for many years.

- Provide a concise zoning text that lists and defines all of the allowed uses within the planned development.

The existing PUD does not include a zoning text *per se*, although the intended allowed uses can generally be determined from the information contained in the application letters and the buildings and structures identified on the site map. The revised PUD corrects this omission and provides a proper zoning text as well as an updated site map.

- Provide a description of the activities included within the definition of quarrying.

Quarrying is a long-established principal use on the Madison Rock & Sand property, and an allowed use in the Agriculture district under the old zoning ordinance. However, "quarrying" is not defined in either the old or new zoning ordinance. The description of quarrying used in the revised PUD is based on the definition in the current Dane County zoning ordinance.

The Dane County ordinance also includes quarry-related asphalt and concrete pavement recycling activities within the definition of quarrying. These activities are listed separately within the subject revised PUD zoning text, however, because the City Zoning Administrator felt they may not necessarily fit within a general definition of quarrying, and recommended that they be distinguished.

- Expand the PUD[PD]-zoned area southward to encompass all that portion of the property being used for activities not encompassed by the definition of quarrying included in the revised PUD.

Specifically, the PUD[PD] is enlarged to include the portions of the property being used for concrete pavement, asphalt pavement and asphalt shingle recycling. The location of these existing activities on the site is unchanged, but they are outside the area encompassed by the current PUD, and should be included since these uses are now listed separately as allowed uses in the revised PUD. The balance of the Madison Rock & Sand property, including the active quarry face, will continue to have Agriculture zoning.

Analysis and Evaluation

Historical Background

This property and other adjacent properties owned by the Homburg family and family businesses were annexed to the City of Madison in 1962 to enable construction of the Badger Interchange, and were zoned Temporary Agriculture at that time. In 1977, the northern portion of the property was rezoned to the Planned Unit Development (GDP-SIP) district to ensure that certain quarry-related uses (such as a scale house, shops, and fuel storage facilities) would be conforming uses, and to allow these facilities to also serve an off-site construction business owned by the Homburg family. All of these uses were established on the property well before annexation. A minor amendment to the PUD site plan was approved in 2006 when the scale house was moved to the western edge of the site; and a second minor amendment was approved in 2008 when the office/shop building was rebuilt at a slightly different location following a fire that destroyed the original.

Description of the Site

The Madison Rock & Sand LLC property is an approximately 47.6-acre parcel extending south of Milwaukee Street along the east side of Interstate Highway 39-90. The majority of the southern portion of the property comprises the active quarry. The northern portion of the site contains buildings and other fixed facilities—including the main shop and storage building; salt, sand and fuel storage facilities; several smaller storage sheds; and a duplex dwelling that pre-dates the quarry. A scale and portable scale house is located at the western edge of the site. Three paved driveways provide access to the site from Milwaukee Street, and paved driveways within the site serve the primary buildings and parking areas. Gravel lots within the site provide additional parking and storage yards for vehicles and equipment related to the quarry operation and the off-site construction business. This portion of the property is included in both the current PUD and the subject revised PUD.

The portion of the property used for processing excavated quarry materials, for recycling concrete and asphalt pavement (an activity initiated about 1980 at the request of the City), and more-recently, for recycling asphalt shingles, is located south of the buildings and main parking areas, and north of the active quarry. This area contains several large stockpiles comprised of quarried materials, broken pieces of concrete and asphalt pavement, and asphalt shingles recovered from demolition or re-roofing projects. These materials are further processed into usable product by portable equipment that is moved around on the site as needed, depending on demand for the product and time available. This portion of the property is outside the current PUD, but is included in the subject revised and expanded PUD.

The quarry and other active uses on the site are set well-back from Milwaukee Street, and the entrance area is attractively landscaped, including several stands of larger trees. The perimeter of the property is wooded on the east and south, and site activities have little, if any, visual impacts on adjacent lands.

Reason for the Requested Rezoning

This rezoning request was triggered by the introduction of asphalt shingle recycling as a new activity on the property. The applicant began leasing a small portion of the site to a shingle recycling business in mid-2012 as a logical supplement to the concrete and asphalt pavement recycling activities that have been conducted on the site for several decades as an adjunct to the quarry operation. Pavement recycling is a good complement to a quarry operation because the equipment used to grind, crush and sort old pavement is the same equipment used to process rock or gravel excavated from the quarry, and the resulting product is similarly used---either directly as paving material or as feedstock for the production of new concrete or asphalt. The asphalt shingles are processed by different equipment, but the resulting product is also used similarly. The applicant obtained the required permits for asphalt shingle recycling from the Wisconsin Department of Natural Resources, but did not realize that this activity might not be considered an allowable use within the scope of the approved PUD.

Upon notification by the Zoning Administrator that asphalt shingle recycling was not allowed by the existing PUD (or by the Agriculture district zoning on the balance of the site), an application was prepared to amend the PUD to add shingle recycling to the list of allowed uses. After discussions with Zoning and Planning staff, it was decided that this would be a good opportunity to address several technical deficiencies in the current PUD, including lack of a formal zoning text and uncertainty regarding what specific activities were included within the definition of quarrying. The quarry definition used in the revised PUD is based on the definition used in the Dane County zoning ordinance, although concrete and asphalt pavement recycling was separated out and listed as a separate use at the recommendation of the City Zoning Administrator, as noted above. Asphalt shingle recycling is considered a separate use both in the Dane County zoning ordinance and the subject revised PUD. The planned development-zoned area was also expanded to include the portions of the site used for pavement and asphalt shingle recycling since these uses now are separately identified in the revised PUD.

Consistency with Adopted Plans

The *Sprecher Neighborhood Development Plan* recommends residential neighborhood development as the primary long-term use for the entire Madison Rock & Sand property, including the subject site; but the plan also recognizes the quarry and other uses on the property as interim, but well-established uses that are expected to continue for many years. This property, and other properties along the north side of Milwaukee Street owned by the Homburg family and family businesses, comprise "Area E" in the development staging plan for the neighborhood, and no recommendation was made regarding when these properties might begin to develop or need full urban services. It was specifically noted in the staging plan that successful development of the balance of the neighborhood did not depend on streets or utility extensions through the Area E properties. The *City of Madison Comprehensive Plan* reflects the long-term recommendation in the *Sprecher Neighborhood Development Plan* and designates this portion of the neighborhood for Low-Density Residential land uses. The *Comprehensive Plan* does not address the timing of future development at this location, but does note that neighborhood development plans may have detailed and nuanced recommendations that would not typically be included at the broader, more-general scale of the *Comprehensive Plan*.

Planning Division staff believe that continued operation of the existing quarry and construction-related activities on this property is consistent with the *Sprecher Neighborhood Development Plan* recognition that the existing uses in this part of the neighborhood were expected to continue for the foreseeable future. Adding asphalt shingle recycling as a defined use in the revised PUD is not a proposed change in existing land uses since this use currently exists on the site, and is essentially similar to the pavement

recycling activities that have existed on the site for many years, in any case. Neither will the addition of asphalt shingle recycling have any effect on the eventual long-term redevelopment of the site with the recommended residential uses, or with the timing of that future redevelopment. No permanent structures are associated with the shingle recycling activity, which consists largely of collecting and stockpiling used shingle materials for periodic processing using portable equipment, similar to the process currently used to recycle concrete and asphalt pavement. A recommended condition of approval will require that all stockpiles and equipment associated with the allowed recycling activities be removed if these activities permanently cease operation.

Potential Neighborhood Impacts

Asphalt shingle recycling began on this site in mid-2012, and staff are not aware of any problems or neighborhood complaints related either to this activity, or to the other long-established activities on the property. As described above, the entrance to the property is attractive and well-maintained, and the quarry and related activities are well-screened from adjacent properties. The shingle recycling area is located south of the existing buildings and not visible from Milwaukee Street. Any increase in traffic to the site will be very modest, and lease provisions required by the property owner will ensure that no blowing debris or other nuisances will result from this activity. Staff do not believe that the addition of shingle recycling as an allowed use on this property will have any negative effect on current or future residents in the surrounding neighborhood.

Standards for Approval

Staff have reviewed the proposed revised and expanded PUD[PD]-GDP-SIP against the applicable standards and believe that the standards for approval can be met. Within the relevant context of a long-established quarry operation, the addition of asphalt shingle recycling as an allowed use is compatible with the physical nature of the site, and is economically and functionally compatible with the current general development plan. The use will not adversely affect the future provision of school or municipal services, nor create traffic or parking demand problems. The use will not adversely affect the economic prosperity of the City or the cost of providing municipal services. Asphalt shingle recycling also benefits the City and the community by providing an economically viable alternative to landfill disposal--which is no longer permitted at the Dane County landfill, in any case. There is no effect on open space preservation since the activity occurs within an existing quarry operation. The parks and open spaces recommended in the *Sprecher Neighborhood Development Plan* will be realized at the future time when the property is eventually redeveloped with residential uses. A recommended condition of approval is that materials and equipment used solely for recycling operations be removed from the site in the event that these activities permanently cease.

Urban Design Commission Approval

The subject revised and expanded PUD[PD]-GDP-SIP, which adds only asphalt shingle recycling as an allowed use and proposes no new buildings or structures, was reviewed by the Secretary of the Urban Design Commission and approved administratively as essentially consistent with the amended PUD for the property approved in 2006.

Conclusion

Planning Division staff believe that the standards for approval of zoning map amendments and planned unit developments can be met. The recycling of asphalt shingles a good fit with the existing quarry operation for the same reason that recycling of asphalt and concrete pavement is a good fit, since it utilizes essentially similar equipment and processes. In addition, City of Madison policies encourage recycling generally, and additional opportunities to recycle asphalt shingles at appropriate locations are especially beneficial now that this material can no longer be placed in the County landfill. The shingle

recycling activity is well-screened from adjacent properties and should have no negative visual or other negative impacts on the surrounding neighborhood. Staff are unaware of any problems or complaints from neighborhood residents regarding the shingle recycling operation since it began in mid-2012. The revised PUD[PD]-GDP-SIP has been administratively approved by the Secretary of the Urban Design Commission and has the support of the District 3 Alder.

Recommendations and Proposed Conditions of Approval

Planning Division Recommendation

The Planning Division recommends that the Plan Commission forward Zoning Map Amendments 3655 and 3656 (old zoning ordinance) and 00024 and 00025 (new zoning ordinance), rezoning the northern 14.26 acres of the property at 5709 Milwaukee Street to PD-GDP-SIP (Planned Development, General Development Plan-Specific Implementation Plan) to the Common Council with a recommendation of approval, subject to input at the public hearing and the following conditions:

Major/Non-Standard Conditions are Shaded

Planning Division (Contact Michael Waidelich, 267-8735)

1. The applicant shall obtain and maintain current any required permits for the allowed activities from the Wisconsin Department of Natural Resources or other applicable agency.
2. In the event that any of the allowed recycling activities on the site permanently cease operation, all materials storage, structures and equipment solely used for the ceased activities shall be removed from the property.

The following conditions of approval have been submitted by reviewing agencies:

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

3. Informational note: Currently there is no sanitary sewer service available to this site. If the site ever redevelops, the applicant shall extend sewer to serve the property. If sewer becomes available to the property, the existing duplex shall be required to connect to the sanitary sewer. Upon connection to the sanitary sewer, the deferred assessments for the Heritage Prairie Sewer District will be due.
4. 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.
- g) Detail drawings associated with stormwater management facilities (including applicable planting plans).

Traffic Engineering Division (Contact Eric Halvorson, 266-6572)

5. The applicant shall execute and return the attached declaration of conditions and covenants for streetlights and traffic signals prior to sign-off. The applicant will need to provide a deposit for their reasonable and proportionate share of traffic signal costs.

Zoning Administrator (Contact Pat Anderson, 266-5978)

This agency did not submit comments on this application.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency submitted a report on this application with no comments or conditions of approval.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency submitted a report on this application with no comments or conditions of approval.

Water Utility (Contact Dennis Cawley, 261-9243)

6. This property is not in a well head protection district.
7. 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 submit comments on this application.