

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
April 27, 2006

ZONING MAP AMENDMENT / CONDITIONAL USE APPLICATION, 5622 MILWAUKEE STREET:

1. Requested Action: Approval of a zoning map amendment for property located at 5622 Milwaukee Street from the Temporary Agriculture District to the M1 Limited Manufacturing District for limited uses, including contractors offices, shops and yards, **AND** approval of a Conditional Use application for a portable concrete batch plant on the site.
2. Applicable Regulations: Section 28.12(10) of the Zoning Code provides the requirements for the approval of zoning map amendments. Section 28.12(11) provides the requirements for approval of Conditional Uses.
3. Report Drafted By: Michael Waidelich, Principal Planner.

GENERAL INFORMATION:

1. Applicant: Chris Homburg, Homburg Equipment, Inc., 6106 Milwaukee Street, Madison, Wisconsin 53718.
2. Status of Applicant: Owner.
3. Development Schedule: The batch plant is an existing interim use. Additional limited construction-related interim uses would also be allowed on the site, but are not planned at the present time.
4. Parcel Location: North of Milwaukee Street, just southeast of the Badger Interchange of Interstate Highway 39-90 and Interstate Highway 94. Aldermanic District 3.
5. Parcel Size: 5.23 Acres.
6. Existing Zoning: Temporary A-Agriculture District.
7. Existing Land Use: Construction yard, portable concrete batch plant, and associated stockpiles and equipment storage.
8. Surrounding Land Use and Zoning (See map):

North: Badger Interchange of Interstate Highways 39-90 and 94.

West: Badger Interchange of Interstate Highways 39-90 and 94.

South: Immediately south across Milwaukee Street is an active quarry operated by Homburg Equipment, Inc., and associated weighing scales, shops, offices, equipment and storage yards. The quarry pit is zoned Temporary A-Agricultural District; the associated equipment, offices and storage yards (located closest to

Milwaukee Street) are zoned PUD (GDP-SIP) Planned Unit Development (General Development Plan-Specific Implementation Plan). To the east of the quarry property, lands were recently zoned to a variety of residential and planned unit development zoning districts to accommodate the Second Addition to Grandview Commons subdivision.

West: Agricultural and undeveloped land zoned Temporary A-Agriculture District. Farther to the west are the Homburg home, farm buildings and additional construction offices and yards zoned PUD (GDP-SIP).

9. Adopted Land Use Plan: The lands north of Milwaukee Street are designated for eventual development primarily with low density residential uses in the *Comprehensive Plan* and the *Sprecher Neighborhood Development Plan*.
10. Environmental Corridor Status: The area is not currently within the Central Urban Service Area (approval of a CUSA amendment pending), but there are no significant environmental features or stormwater management facilities planned on this site.

PUBLIC UTILITIES AND SERVICES:

The full range of urban services will be available to this property, but development requiring urban services is not anticipated in the foreseeable future.

ANALYSIS, EVALUATION AND CONCLUSION:

This is a request to rezone an approximately five-acre parcel located north of Milwaukee Street, just southeast of the Badger Interchange between Interstate Highway 39-90 and Interstate Highway 94, from the Temporary Agriculture zoning district to the M1 Limited Manufacturing District, and to approve a Conditional Use application, in order to make conforming the existing use of the property for a portable concrete batch plant operated by Homburg Equipment, Inc. The applicant has voluntarily offered to deed restrict the property to only allow batch plants and limited other uses reasonably associated with the adjacent Homburg quarry and construction businesses.

Historical Background

The subject parcel is part of a larger L-shaped property owned by the Homburg family and family businesses which extends south of Milwaukee Street along the east side of Interstate Highway 39/90, and east between Milwaukee Street and Interstate Highway 94. There is an active quarry operation on the portion of the property located south of Milwaukee Street. North of Milwaukee Street, current land uses include the portable batch plant in the westernmost corner, agricultural lands, and the Homburg family homes and contractors offices and yards on the easternmost portion of the property.

These lands and other adjacent properties were annexed to the City of Madison in 1962 to enable construction of the Badger Interchange, and were zoned Temporary Agriculture District at that time. In 1977, a portion of the property south of Milwaukee Street was rezoned to the Planned Unit Development District (GDP-SIP) to make certain quarry-related activities (such as a scale house, garage, shops, and fuel storage facilities and pumps which also serviced construction equipment) conforming uses. These uses had existed on the site since well before the annexation, but although the quarry itself is an allowed use in Madison's Agriculture District, the other related uses are not. At about the same time, a second PUD (GDP-SIP) was also approved for the portion of the Homburg

family properties north of Milwaukee Street where uses related to the construction business had also existed since before the annexation. This occurred nearly 20 years prior to any additional annexations in the area east of Interstate Highway 39-90 north of Cottage Grove Road, and more than 20 years prior to the 1998 adoption of the *Sprecher Neighborhood Development Plan*.

Over decades since the annexation and initial PCD approvals, various operations and facilities associated with the quarry and construction contractor operations have been shifted around to new locations on the properties as the quarry pit expanded and various facilities were enlarged, modified, or replaced. This included relocating the portable concrete batch plant to the adjacent site on the north side of Milwaukee Street, where it has been an ancillary use to the quarry for many years. At this time, the applicant is requesting rezoning of the five acre parcel immediately north of the quarry to the M1 District, and Conditional Use approval for the concrete batch plant, so that the site can continue to be used for a batch plant and related construction contractor offices, yards and storage, as presently.

Description of the Site

The subject site is 5.23 acres in size, and is bounded by the Badger Interchange on the north and west, Milwaukee Street on the south, and vacant agricultural land also owned by the Homburgs on the east. The portable concrete batch plant is located about 200 feet north of Milwaukee Street, and several materials stockpiles are located in the northern portion of the site. The construction yard around the batch plant has a crushed stone surface. Two driveways access the site---one for entry, the other for exiting. The property line between this and the adjacent parcel will be adjusted slightly to the east concurrent with this application (creating the 5.23 acre parcel) so that the entire existing use, including the easterly driveway, is contained within the parcel. The driveways each have gates to control access. The easterly gate will be relocated farther to the north, as it currently encroaches on the Milwaukee Street right-of-way. Both driveways will be paved between the gates and the Milwaukee Street pavement. There is considerable existing vegetation along the southern edge of the site, both on the property and within the Milwaukee Street right-of-way, including a large oak tree on the property. There are also a number of existing trees along the eastern portion of the property. The existing trees will remain and help to screen the view of the property from the Milwaukee Street roadway and lands to the east.

Consistency with Adopted Plans

The *Sprecher Neighborhood Development Plan* recommends residential neighborhood development as the primary long term use for the entire Homburg property---including the existing quarry site and the lands north of Milwaukee Street where the subject parcel and the Homburg construction office and yards are located. The *Sprecher Neighborhood Development Plan* recognized these existing uses as interim, but well-established uses that were expected to continue for many years. These properties comprised "Area E" defined in the development staging plan for the neighborhood, and no recommendation was made regarding when the properties might begin to develop or need urban services. It was specifically noted in the staging plan that successful development of the balance of the neighborhood did not depend upon streets or utility extensions through the Area E properties.

Development of the lands north of Milwaukee Street with new permanent manufacturing or industrial uses would certainly be considered inconsistent with the land use recommendations of the *Sprecher Neighborhood Development Plan*. However, the Planning Unit staff feel that continued operation of the existing quarry and construction related activities on the Homburg properties, including the subject parcel, is consistent with the plan's recognition that the existing uses were expected to

continue for the foreseeable future in this part of the neighborhood. This is not a proposed change in the existing land uses---the uses that will be allowed on the subject parcel as the result of the proposed M1 District rezoning (and deed restriction) either already exist, or are essentially similar to the limited contractor-related uses allowed by the existing PUDs on portions of the adjacent lands.

This also is still considered an interim use. At such future time as the quarry may cease operations, or the Homburg construction business operations are relocated, the quarry property and the lands north of Milwaukee Street, including the subject parcel, will become available for general neighborhood development---consistent with the long-term recommendations of the *Sprecher Neighborhood Development Plan*. The proposed deed restriction limits any use of the subject property to agricultural uses, batch-plants, and limited other contractor-related uses, specifically, contractor offices shops and yards, storage yards and weighing stations. At such future time that the lands north of Milwaukee Street are developed, the applicant has agreed to seek appropriate rezoning for the portions of the property not zoned Temporary Agriculture District, including the subject parcel and the two existing areas zoned Planned Unit Development District; and such rezoning would be required in any case, since the allowed uses are so limited.

Potential Neighborhood Impacts

This is an existing use, and staff are not aware of any problems or neighborhood complaints related to the current concrete batching activity. There are existing trees and other vegetation that partially screen the site from Milwaukee Street. The applicant maintains a crush stone surface on the area around the batch plant, and will be paving the portion of the driveways connecting to Milwaukee Street to help reduce blowing dust. Comments from the Traffic Engineer do not indicate any problems due to trucks entering or leaving the site. The site has considerable existing natural screening from Milwaukee Street, and the location is farther from the developing portions of Sprecher Neighborhood than the quarry property south of Milwaukee Street---which is directly adjacent to the recently-approved Second Addition to Grandview Commons subdivision. The applicant recently received approval of a minor alteration to the PUD-SIP at the quarry site to allow for the relocation of the quarry scale house to the western edge of that site, away from the anticipated residential development. The applicant believes that the batch plant will have less potential impact on the future residential area at the current location than it would on the quarry site, for example; and staff concur with this conclusion.

Standards for Approval

Staff have reviewed the proposed rezoning and conditional use against the applicable standards, and believe that the standards for approval can be met. The applicant will deed-restrict the property to a very limited number of existing uses essentially identical to the existing uses on the site and contractor-related uses similar to the limited uses currently allowed in the two Planned Unit Developments on Homburg properties. The proposed rezoning represents neither a change in the existing land use, nor the ultimate uses on these properties. When the quarry and other uses on the adjacent Homburg properties cease operation, this property will be rezoned to an appropriate classification for neighborhood redevelopment. As a reasonable accommodation to long-established existing interim land uses, staff considers the proposed rezoning to be consistent with the general intent and expectations of the *Sprecher Neighborhood Development Plan*, which recognized that these uses would likely continue for many years.

Staff also concludes that the standards for conditional use approval can be met. There is no information to indicate that continued interim use of the site for the proposed uses would be

detrimental to public health, safety or welfare. City services will generally not be required for the proposed uses, but would be available if needed, in any case. There is no information to indicate that the uses, values and enjoyment of other property in the neighborhood for purposes already established would be substantially impaired or diminished by the proposed activities allowed by the conditional use. The proposed uses will not impede the normal development and improvement of surrounding properties. Adequate utilities, access roads, drainage and other necessary site improvements needed for the proposed uses are in place; adequate ingress and egress and other improvements needed to minimize congestion and ensure public safety and adequate traffic flow will be provided; and the conditional use will comply with all applicable regulations of the M1 District.

RECOMMENDATION:

The Planning Unit recommends that ordinance rezoning the property located at 5622 Milwaukee Street from the Temporary Agriculture District to the M1 Limited Manufacturing District, be forwarded to the Common Council with a recommendation of approval, **AND** that a Conditional Use to allow operation of a portable concrete batch plant on the site be approved, subject to the following conditions:

1. Comments of the reviewing agencies.
2. The Declaration of Use Restrictions limiting the allowed uses on the property shall be recorded.
3. The existing trees and other vegetation partially screening the site from Milwaukee Street and the lands to the east shall be maintained to the extent feasible.
4. The gate for the easterly driveway accessing the site shall be relocated at least 20 feet north of the Milwaukee Street right-of-way, and both driveways shall be paved between the gates and the Milwaukee Street pavement.
5. The crushed stone surface of the construction yard area around the batching plant shall be maintained and appropriate measures taken to minimize dust blowing off the site, as required.



Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
608 267 8677 TDD

Deputy City Engineer
Robert F. Phillips, P.E.

Principal Engineers
Michael R. Dailey, P.E.
Christina M. Bachmann, P.E.
John S. Fahrney, P.E.
David L. Benzschawel, P.E.
Gregory T. Fries, P.E.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: March 31, 2006

TO: Plan Commission

FROM: Larry D. Nelson, P.E., City Engineer

SUBJECT: 5622 Milwaukee Street Conditional Use and Rezoning

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. Site plan has discrepancy between bearing on map and bearing in legal description. Map reads N20°44'19" W 150.07' Legal reads N20°51'15" E 150.07 Feet.
2. Property is subject to the Door Creek North Phase 2 Stormwater Conveyance Impact Fee.
3. Upon further development of the site, there will be sanitary sewer extensions and fees required to subdivide/develop.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

Engineering Division Review of Planned Community Developments, Planned Unit Developments and Conditional Use Applications.

Name: 5622 Milwaukee Street Conditional Use and Rezoning

General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's

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and Engineering Division records.

- 1.6 The site plan shall include a full and complete legal description of the site or property being subjected to this application.

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.

Streets and Sidewalks

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees.
- 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____.
- 3.9 The Applicant shall make improvements to _____. The improvements shall consist of _____.
- 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.
- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City

Engineer shall approve the grade of the entrances prior to signing off on this development.

- 3.12 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.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.

Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- 4.3 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.
- 4.5 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.6 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.
- 4.7 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.
- 4.8 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.9 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.10 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
 - Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.
 - Control 40% TSS (20 micron particle).
 - Control 80% TSS (5 micron particle).
 - Provide infiltration in accordance with NR-151.
 - Provide substantial thermal control.
 - Provide oil & grease control from the first 1/2" of runoff from parking areas.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

- 4.11 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.
- 4.12 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.13 The Applicant shall submit, prior to plan sign-off, digital CAD files to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital copies shall be to scale and represent final construction.

CAD submittals can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or

Universal (dxf) formats and contain 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) Lot lines
- g) Lot numbers
- h) Lot/Plat dimensions
- i) Street names

NOTE: Email file transmissions preferred izenchenko@cityofmadison.com . Include the site address in this transmittal.

- 4.14 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.

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.

- 4.15 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.
- g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

- 4.16 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...
- 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.

Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.
- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- 6.1 Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior to connection to the public sewerage system.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size and alignment of the proposed service.

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Traffic Engineering Division

David C. Dryer, City Traffic Engineer

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2986
Madison, Wisconsin 53701-2986
PH 608/266-4761
TTY 608/267-9623
FAX 608/267-1158

April 20, 2006

TO: Plan Commission

FROM: David C. Dryer, P.E., City Traffic Engineer

SUBJECT: **5622 Milwaukee Street – Conditional Use – Contractor's Office**

The City Traffic Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. 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), 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'.
3. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Please contact John Leach, City Traffic Engineering at 267-8755 if you have questions regarding the above items:

Contact Person: Chris Homburg
Fax: 608-244-9113
Email: chomburg@Homburginc.com

DCD:DJM:dm



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295

Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: 4/17/06
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **5622 Milwaukee St.**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. No comments.

Please contact John Lippitt, MFD Fire Protection Engineer, at 608-261-9658 if you have questions regarding the above items.

cc: John Lippitt

ADDENDUM

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
April 27, 2006

ZONING MAP AMENDMENT / CONDITIONAL USE APPLICATION, 5622 MILWAUKEE STREET:

The Planning Unit Report on the proposed M1 District rezoning and conditional use for the property located at 5622 Milwaukee Street refers to "concrete batch plants" as an allowed conditional use in the M1 Limited Manufacturing District, and uses this term throughout the narrative and in the staff recommendation. It should be clarified that the Zoning Ordinance actually refers to this conditional use as "Asphalt and concrete batching or ready-mix plants."

The applicant has pointed out that while the facilities are similar and the terms are often used interchangeably, technically, a batching (or batch) plant is different from a ready-mix plant; and the intent of their application was to allow both types of paving material and both types of concrete product to be prepared on the site, since each is sometimes required for a particular paving project. The Zoning Ordinance description is used in the proposed deed restriction limiting the allowed M1 District uses on the property, and is the description used in the conditional use application.

The Planning Unit did not intend to limit the conditional use approval to production of only one of the several varieties of prepared paving mix, and in order to avoid possible confusion, the Planning Unit recommendation on this application should be revised to read:

The Planning Unit recommends that the ordinance rezoning the property located at 5622 Milwaukee Street from the Temporary Agriculture District to the M1 Limited Manufacturing District, be forwarded to the Common Council with a recommendation of approval, AND that a Conditional Use to allow asphalt and concrete batching or ready-mix plants on the site be approved, subject to the following conditions:

1. Comments of the reviewing agencies.
2. The Declaration of Use Restrictions limiting the allowed uses on the property shall be recorded.
3. The existing trees and other vegetation partially screening the site from Milwaukee Street and the lands to the east shall be maintained to the extent feasible.
4. The gate for the easterly driveway accessing the site shall be relocated at least 20 feet north of the Milwaukee Street right-of-way, and both driveways shall be paved between the gates and the Milwaukee Street pavement.
5. The crushed stone surface of the construction yard area around the batching plant shall be maintained and appropriate measures taken to minimize dust blowing off the site, as required.

Michael Waidelich
Principal Planner
April 28, 2006

DECLARATION OF USE RESTRICTIONS

RECITALS:

- A. Homburg Equipment, Inc., a Wisconsin corporation, (hereafter "Owner") is the owner of lands located in the City of Madison, Dane County, Wisconsin more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference (hereafter "Property").
- B. Prior to rezoning and the recording of this Declaration, the Property has been zoned temporary Agriculture District.
- C. Owner has applied to the City of Madison to rezone the Property from temporary Agriculture District to M1 Limited Manufacturing District and as a part of its application, Owner has agreed to restrict permissible uses on the Property, as rezoned, in accordance with the terms of this Declaration.

DRAFT

Return to:

Parcel Identification Number

NOW THEREFORE, in consideration of the Declarations set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner covenants, agrees and declares as follows:

- 1. Declaration: Owner hereby declares that at such time as the Property is rezoned to M1 Limited Manufacturing District pursuant to Madison general Ordinances Sec. 28.10(4), the Owner voluntarily acknowledges and agrees that usage of the Property will be further restricted to the following Permitted Uses as set forth in MGO Sec. 28.10(4)(c), notwithstanding that the ordinance permits other uses:
 - 1. Accessory uses;
 - 2. Agricultural uses;
 - 10. Contractor or construction offices and shops, and yards, such as building, cement, electrical, heating, ventilating and air conditioning, masonry, painting, plumbing, refrigeration and roofing;
 - 38. Storage yards, but not including junkyards; and
 - 41. Weighing stations,

and to the following Conditional Uses as set forth in MGO Sec. 28.10(4)(d):

- 3. Asphalt and concrete batching or ready-mix plants.

2. Term and Termination: The term of this Declaration shall commence on the date of recording in the office of the Register of Deeds for Dane County, Wisconsin and shall continue until a written document of termination is mutually agreed to and executed by the City of Madison and the then owner of the Property and placed of record in the Dane County Office of the Register of Deeds.
3. Binding Effect: This Declaration shall run with the land (the Property) and be binding upon and for the benefit of the Owner and its successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed this Declaration on the _____ day of March, 2006.

HOMBURG EQUIPMENT, INC.,
a Wisconsin corporation

By: _____
Shirley A. Homburg, President

By: _____
Chris A. Homburg, Secretary

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Personally came before me this _____ day of March, 2006, Shirley A. Homburg, President, and Chris A. Homburg, Secretary, of Homburg Equipment, Inc. and to me known to be such President and Secretary and acknowledged that they executed the foregoing instrument as such President and Secretary as the act of said corporation, by its authority.

Notary Public, State of Wisconsin
My commission expires _____.

This instrument drafted by Attorney Jerry E. McAdow.