



# Staff Report

Zoning and Land Regulation Committee

Public Hearing: **April 24, 2018**

Zoning Amendment:  
**TO CUP: CONCRETE BATCH PLANT**

Acres:  
Survey Req. No

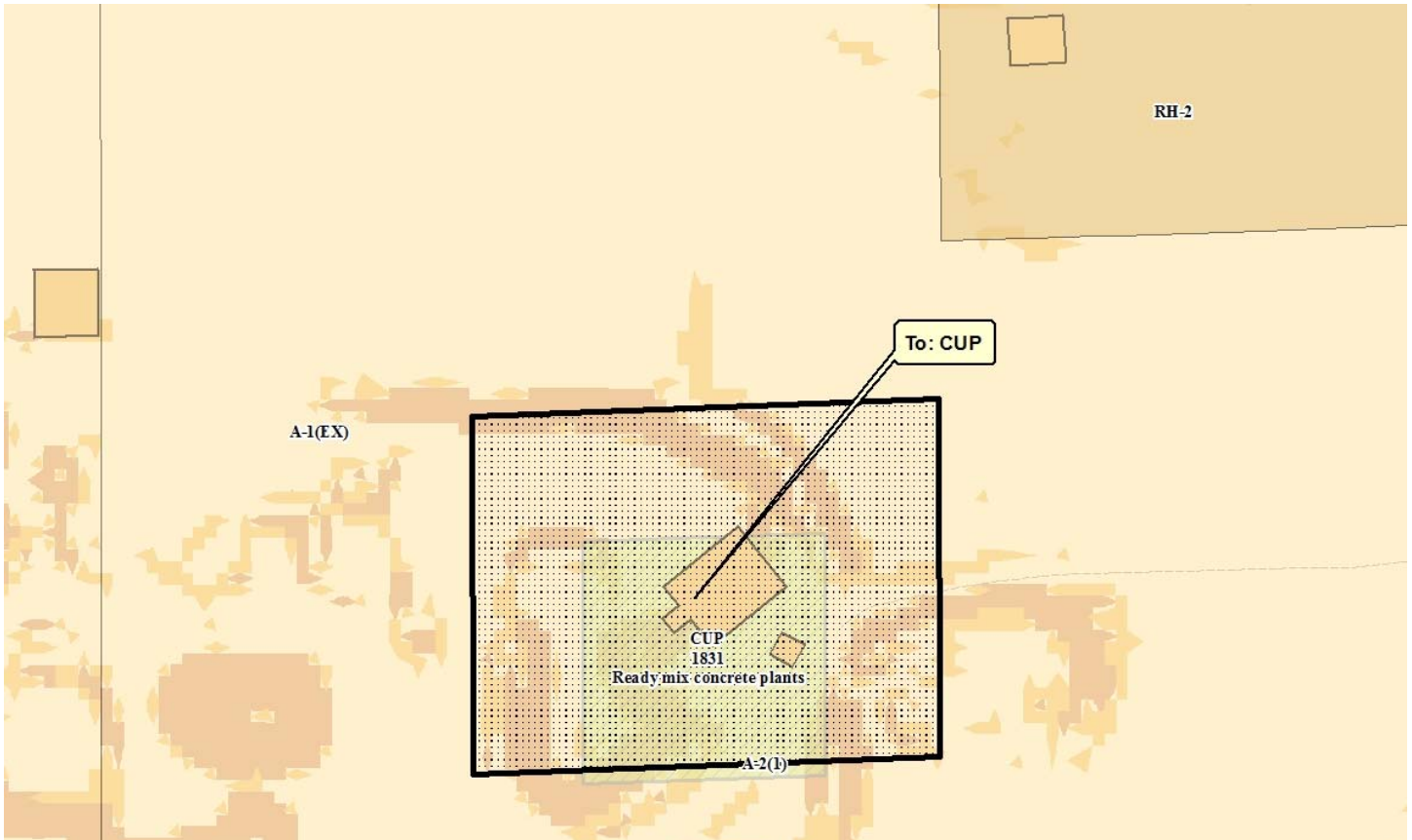
Reason:  
**Make changes to the existing CUP#1831 for a concrete batch plant**

Petition: **CUP 02414**

Town/sect:  
**DUNKIRK, Section 18**

Applicant  
**MARK S ROSENBAUM**

Location:  
**971 STATE HIGHWAY 138**



## SUMMARY PROPOSAL & BACKGROUND

**Description:** The applicant is applying for a conditional use permit in order to make changes to an existing permit (CUP#1831) for a concrete batch plant. The proposed changes are increasing the size of the CUP area, and to revise the hours of operation.

**Observations:** The CUP boundary will grow in size but will remain within the mineral extraction operation site (NC site that is also requesting a CUP to expand – application #2413). The CUP area will change from 1 acre to 2.8 acres. The hours of operation will change from the current 6:00 am to 4:00 pm to 5:00 am to 6:00 pm during spring, summer and fall with winter hours being on an as-needed basis, weather permitting. Surrounding uses include the mineral extraction site, agricultural uses, and limited residential development. There is a single family home located northeast of the current CUP. Because there is not going to be increased production, increased traffic is not anticipated.

**Town Plan:** The subject property is in the Agricultural Preservation area of the town of *Dunkirk Comprehensive Plan*.

**Resource protection:** There are no sensitive environmental features on this property.

**Staff:** This application is consistent with the town and county comprehensive plans, and if approved, should be approved with the recommended conditions.

**Town:** The town voted unanimously in favor of this petition with no conditions. They used the rezone form.

## **DANE COUNTY PLANNING STAFF COMMENTS**

**Overview:** The batch plant is within a mineral extraction operation (NC site). The proposed CUP boundary will be just under 3 acres in size. The proposed hours of operation are 5:00 am to 6:00 pm during spring, summer and fall with winter hours being on an as-needed basis, weather permitting.

Aside from the two requested changes, everything else about the operation will remain the same. The batch plant serves local cement contractors. There will be no changes to outdoor lighting, type of equipment, site access, etc.



In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

### **POTENTIAL CONDITIONS OF APPROVAL FOR CUP 2414:**

Conditions are based on those the ZLR commonly applies to permits for concrete batch plant operations, customized to the particular site and operation, including conditions proposed by the applicant and reviewed by the town. The following list reflects the conditions included in the proposal blended with the county's standard set of conditions. This list is also the recommended conditions shared with town.

1. No mineral extraction, no crushing, and no aggregate washing shall occur on-site.
2. There shall be no blasting on the site.
3. Hours of operation shall be as follows:  
5:00 am to 6:00 pm 7 days a week during spring, summer and fall. Winter hours (5 am to 6 pm) are on an as needed basis, weather permitting.

4. The applicant shall update their Dane County Chapter 14 erosion control/storm water management permit.
5. The operator shall apply for and receive a concrete product operations general permit (GP) from the Wisconsin DNR.
6. The operator shall use spray bars (water) and/or water truck to reduce dust. The driveway shall be maintained in a dust free manner using a crushed asphalt or paved surface.
7. The applicant shall apply for and receive all other required local, state and federal permits.
8. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
9. The operator shall develop and operate the site according to the site/operations plan submitted with the application materials.
10. The operator and all haulers shall access the CUP site via the current driveway off of State Hwy 138.
11. The operator shall require all trucks to have muffler systems that meet or exceed the current industry standards for noise abatement.
12. The owner/operator must post a copy of this conditional use permit #2414, including the list of all conditions, on the work site.
13. Dane County and the Town of Dunkirk shall be listed as primary additional named insureds on the Rosenbaum, Inc. liability insurance policy, which shall provide for a minimum of \$1,000,000 of combined single limit coverage per occurrence. Operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until operations cease.
14. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.
15. If any portion of these conditions is held invalid the remainder of these conditions and provisions shall not be affected thereby.

**(Questions? Contact Pam Andros – 261-9780)**

4/17/2018