

# Dane County Conditional Use Permit Application

<b>Application Date</b>	<b>C.U.P Number</b>
04/23/2020	DCPCUP-2020-02500
<b>Public Hearing Date</b>	
06/23/2020	

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME HEARTLAND COMMUNITY CHURCH OF ROCKFORD INC	Phone with Area Code (815) 520-7786	AGENT NAME WOLF PAVING	Phone with Area Code (608) 249-7931
BILLING ADDRESS (Number, Street) 1280 S ALPINE RD		ADDRESS (Number, Street) 5463 REINER ROAD	
(City, State, Zip) ROCKFORD, IL 61108		(City, State, Zip) Sun Prairie, WI 53590	
E-MAIL ADDRESS jeff.kopelman@heartland.cc		E-MAIL ADDRESS jacob.mrugacz@wolfpaving.com	

ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
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ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP	
East of 5423 Reiner Road					
TOWNSHIP BURKE	SECTION 24	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0810-242-9000-3		---		---	

### CUP DESCRIPTION

Mineral Extraction Accessory Use - stockpiling and processing concrete and asphalt pavements for the purpose of recycling and reuse

DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
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10.231(3)	38.2
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<b>DEED RESTRICTION REQUIRED?</b>  <input type="checkbox"/> Yes <input type="checkbox"/> No  Applicant Initials _____	Inspectors Initials  RWL1	<b>SIGNATURE:(Owner or Agent)</b>  <hr/> <b>PRINT NAME:</b>  <hr/> <b>DATE:</b>  <hr/>
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March 17, 2020

Roger Lane  
Zoning Administrator  
Dane County Planning & Development  
210 Martin Luther King Jr., Blvd.  
Madison, WI 53703-3342

Brenda Ayers  
Administrator/Clerk/Treasurer  
Town of Burke  
5365 Reiner Road  
Madison, WI 53718

Dear Roger and Brenda:

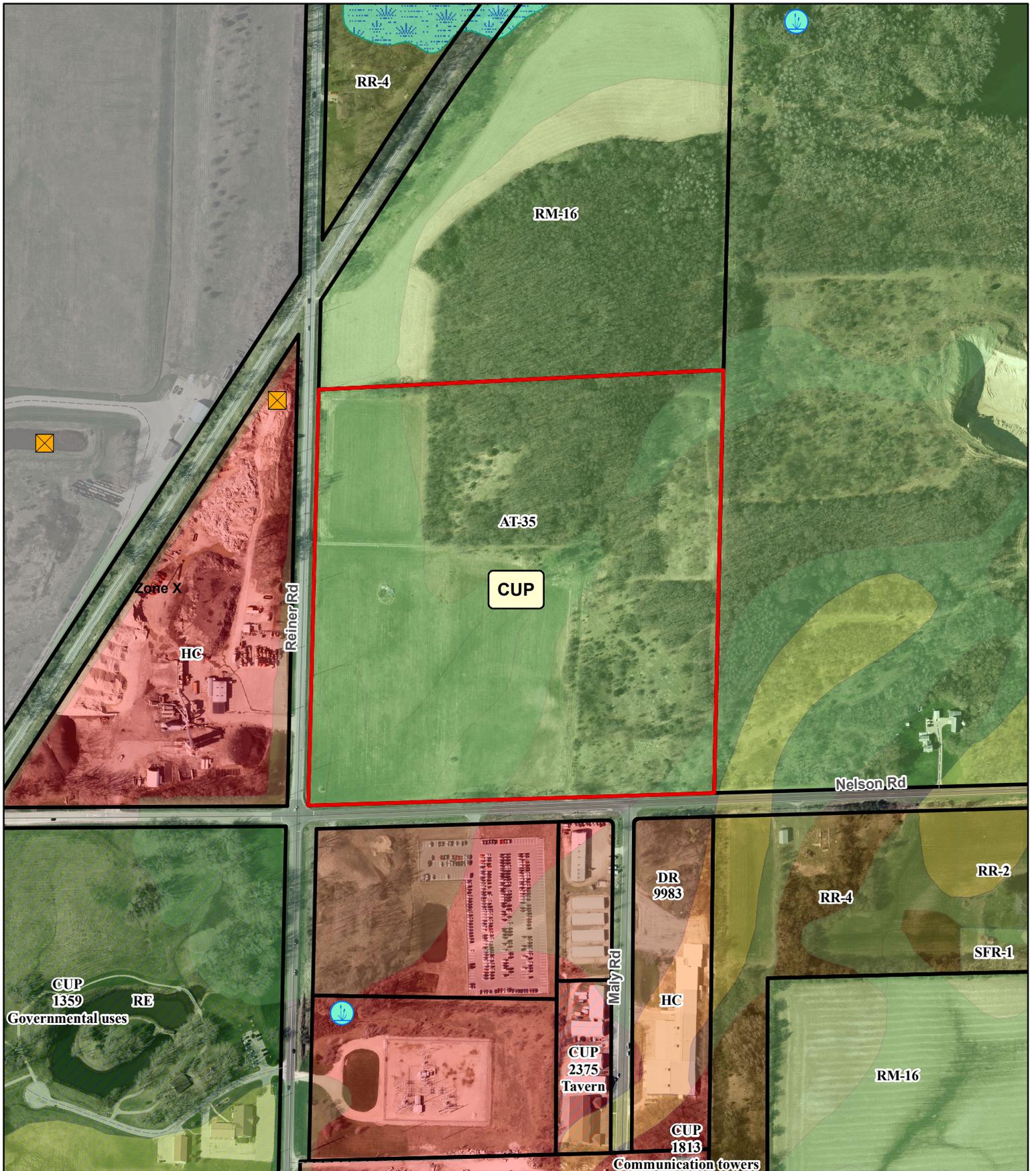
Attached you will find Wolf Paving & Excavating of Madison, Inc.'s conditional use application for the property at 5458 Reiner Road, Sun Prairie, WI 53590. We are submitting our applications to Dane County and the Town of Burke at the same time. Attached you will find the following:

- Application (for Dane County). Copy provided for reference to Town of Burke.
- Plan of Operation
- Responses to Standards of a Conditional Use Permit
- ALTA Survey
- Site Plan
- Application fees

Please let me know if you have any questions at [Jacob.Mrugacz@wolfpaving.com](mailto:Jacob.Mrugacz@wolfpaving.com) or on my cell phone at 262-354-5627.

Sincerely,

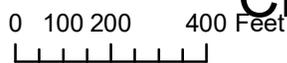
Jacob Mrugacz, President



**Legend**

**Wetland > 2 Acres Significant Soils**

-  Wetland
-  Floodplain
-  Class 1
-  Class 2



**CUP 2500**  
**HEARTLAND COMMUNITY**  
**CHURCH OF ROCKFORD**  
**INC**



**Dane County**  
**Department of Planning and Development**  
 Zoning Division  
 Room 116, City-County Building  
 210 Martin Luther King Jr. Blvd.  
 Madison, Wisconsin 53703  
 (608) 266-4266

Application Fees	
General:	\$495
Mineral Extraction:	\$1145
Communication Tower:	\$1145 (+\$3000 RF eng review fee)
PERMIT FEES DOUBLE FOR VIOLATIONS OR WHEN WORK HAS STARTED PRIOR TO ISSUANCE OF PERMIT	

## CONDITIONAL USE PERMIT APPLICATION

### APPLICANT INFORMATION

<b>Property Owner Name:</b> Heartland Community Church of Rockford, Inc.	<b>Agent Name:</b> Wolf Paving & Excavating of Madison, Inc.
<b>Mailing Address:</b> 2300 Barrington Road, #220, Hoffman Estates, IL 60169	<b>Mailing Address:</b> 5423 Reiner Road, Sun Prairie, WI 53590
<b>Email Address:</b> jeff.kopelman@heartland.cc	<b>Email Address:</b> jacob.mrugacz@wolfpaving.com
<b>Phone#:</b> 815-520-7786	<b>Phone#:</b> 608-249-7931

### SITE INFORMATION

<b>Township:</b> Burke	<b>Parcel Number(s):</b> 014/0810-242-9000-3
<b>Section:</b> 24	<b>Property Address or Location:</b> 5458 Reiner Road, Sun Prairie, WI 53590
<b>Existing Zoning:</b> AT-35	<b>Proposed Zoning:</b> AT-35
<b>CUP Code Section(s):</b> 10.231(3)	

### DESCRIPTION OF PROPOSED CONDITIONAL USE

<b>Type of conditional use permit</b> (for example: limited family business, animal boarding, mineral extraction, or any other listed conditional use): <h2 style="margin: 0;">Mineral Extraction</h2>	<b>Is this application being submitted to correct a violation?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Provide a short but detailed description of the proposed conditional use:</b> Please see attached.	

### GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department staff to review the application and determined that all necessary information has been provided. **Only complete applications will be accepted.** All information from the checklist below must be included. Note that additional application submittal requirements apply for particular uses or as may be required by the Zoning Administrator. Applicants for significant and/or potentially controversial conditional uses are strongly encouraged to meet with staff prior to submittal.

<input checked="" type="checkbox"/> Complete attached information sheet for standards	<input checked="" type="checkbox"/> Site Plan drawn to scale	<input checked="" type="checkbox"/> Detailed operational plan	<input checked="" type="checkbox"/> Written legal description of boundaries	<input checked="" type="checkbox"/> Detailed written statement of intent	<input checked="" type="checkbox"/> Application fee ( <b>non-refundable</b> ), payable to Dane County Treasurer
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I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I hereby give permission for staff of the Dane County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the review of this application. I acknowledge that submittal of false or incorrect information may be grounds for denial of this application.

Owner/Agent Signature:

Date: 3/13/20

## STANDARDS FOR CONDITIONAL USE PERMITS

Applicants must provide adequate evidence demonstrating to the Town and Dane County Zoning & Land Regulation Committee that the proposed conditional use satisfies the following 8 standards for approval, along with any additional standards specific to the applicable zoning district or particular use found in sections [10.220\(1\)](#) and [10.103](#) of the code.

Please explain how the proposed land use will meet the following standards (attach additional pages, if necessary):

1. The establishment maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Please see attached.

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.

Please see attached.

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.

Please see attached.

4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use.

Please see attached.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Please see attached.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Please see attached.

7. The conditional use is consistent with the adopted town and county comprehensive plans.

Please see attached.

8. If the conditional use is located in a Farmland Preservation (FP) Zoning district, the conditional use is subject to the following additional standards found in section 10.220(1). Attach additional pages, if necessary. *NA*

- Explain how the use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district:
- Explain how the use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations:
- Explain how the use is reasonably designed to minimize the conversion of land from agricultural use or open space use:
- Explain how the use does not substantially impair or limit the current or future agricultural use of surrounding parcels zoned for agricultural use:
- Explain how construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible:

**WRITTEN STATEMENT OF INTENT AND OPERATIONS PLAN**

Applicants must provide a detailed written statement of intent describing the proposed conditional use along with an operational plan that explains how the conditional use will be operated. Please use the form below and provide responses, as applicable, to your proposed conditional use. Attach additional pages, if necessary.

Describe in detail the proposed conditional use. Provide the specific location of the use(s), type of equipment used, planned property improvements, including description / size of existing or proposed new buildings to be used, and any other relevant information. For existing or proposed commercial operations, provide the name of the business and describe the nature and type of business activity.

Please see attached.

List the proposed days and hours of operation.

Please see attached.

List the number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.

Please see attached.

List any anticipated noise, odors, dust, soot, runoff or pollution associated with the conditional use, along with any proposed measures that will be taken to mitigate impacts to neighboring properties.

Please see attached.

Describe any materials proposed to be stored outside and any activities, processing or other operations taking place outside an enclosed building.

Please see attached.

For proposals involving construction of new facilities and/or infrastructure, describe, as applicable, any measures being taken to ensure compliance with county stormwater and erosion control standards under [Chapter 11](#) of [Chapter 14](#), Dane County Code.

Please see attached.

List and describe existing or proposed sanitary facilities, including adequate private onsite wastewater treatment systems, associated with the proposed conditional use. For uses involving domestic pets or livestock, list and describe measures taken to address manure storage or management.

Please see attached.

List and describe any existing or proposed facilities for managing and removal of trash, solid waste and recyclable materials.

Please see attached.

Describe anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.

Please see attached.

Provide a listing of any hazardous, toxic or explosive materials to be stored on site, and any spill containment, safety or pollution prevention measures.

Please see attached.

Describe any existing or proposed outdoor lighting along with any measures that will be taken to mitigate light-pollution impacts to neighboring properties. The Zoning Administrator may require submittal of a photometric plan for outdoor lighting if deemed necessary to determine potential impacts to neighbors.

Please see attached.

Describe any existing or proposed signage, including size, location, and materials, consistent with the county's sign ordinance found in s. [10.800](#).

Please see attached.

Briefly describe the current use(s) of the property on which the conditional use is proposed.

Please see attached.

Briefly describe the current uses of surrounding properties in the neighborhood.

Please see attached.

## APPLICATION CHECKLIST FOR A CONDITIONAL USE PERMIT

A scaled site plan and detailed operations plan must be submitted with your Conditional Use Permit application. Please use the checklist below to ensure you are submitting all required information applicable to your request. Please attach to your application form the required maps and plans listed below, along with any additional pages.

### **SCALED SITE PLAN. Show sufficient detail on 11" x 17" paper. Include the following information, as applicable:**

- Scale and north arrow.
- Date the site plan was created.
- Existing subject property lot lines and dimensions.
- Existing and proposed wastewater treatment systems and wells.
- All buildings and all outdoor use and/or storage areas, existing and proposed, including provisions for water and sewer.
- All dimension and required setbacks, side yards and rear yards.
- Location and width of all existing and proposed driveway entrances onto public and private roadways, and of all interior roads or driveways.
- Location and dimensions of any existing utilities, easements or rights-of-way.
- Parking lot layout in compliance with s. [10.102\(8\)](#).
- Proposed loading/unloading areas.
- Zoning district boundaries in the immediate area. All districts on the property and on all neighboring properties must be clearly labeled.
- All relevant natural features, including navigable and non-navigable waters, floodplain boundaries, delineated wetland areas, natural drainage patterns, archeological features, and slopes over 12% grade.
- Location and type of proposed screening, landscaping, berms or buffer areas if adjacent to a residential area.
- Any lighting, signs, refuse dumpsters, and possible future expansion areas.

### **NEIGHBORHOOD CHARACTERISTICS. Describe existing land uses on the subject and surrounding properties:**

- Provide a brief written statement describing the current use(s) of the property on which the conditional use is proposed.
- Provide a brief written statement documenting the current uses of surrounding properties in the neighborhood.

### **OPERATIONS PLAN AND NARRATIVE. Describe in detail the following characteristics of the operation, as applicable:**

- Hours of operation.
- Number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.
- Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate impacts to neighboring properties.
- Descriptions of any materials stored outside and any activities, processing or other operations taking place outside an enclosed building.
- Compliance with county stormwater and erosion control standards under [Chapter 11](#) of [Chapter 14](#), Dane County Code.
- Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans approved by the Madison and Dane County Public Health Agency and/or the Dane County Land and Water Resources Department.
- Facilities for managing and removal of trash, solid waste and recyclable materials.
- Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.
- A listing of hazardous, toxic or explosive materials stored on site, and any spill containment, safety or pollution prevention measures taken.
- Outdoor lighting and measures taken to mitigate light-pollution impacts to neighboring properties.
- Signage, consistent with section [10.800](#).

### **ADDITIONAL MATERIALS. Additional information is required for certain conditional uses listed in s. [10.103](#):**

- Agricultural entertainment, special events, or outdoor assembly activities anticipating over 200 attendees must file an [event plan](#).
- [Domestic pet](#) or [large animal boarding](#) must provide additional information in site and operations plans.
- Communication towers must submit additional information as required in s. [10.103\(9\)](#).
- Farm residences proposed in the FP-35 district must submit additional information as required in s. [10.103\(11\)](#).
- Mineral extraction proposals must submit additional information as required in s. [10.103\(15\)](#).

## **Plan of Operation**

**For**

### **Wolf Paving & Excavating of Madison, Inc.**

Burke, WI

Wolf Paving & Excavating of Madison, Inc. ("WPE") is an existing operating business in the Town of Burke and has been in business since 1941. WPE currently conducts paving work in Dane and surrounding counties. At WPE's location at 5423 Reiner Road the Company operates an asphalt plant including the storing of materials needed for production, the recycling of asphalt and concrete materials, and has an existing office and shop building. The existing site which is undersized from an acreage standpoint for ideal operations. The CUP being applied for under this application consists of roughly 40 acres directly to the east at 5458 Reiner Road. WPE requests approval for mining of virgin material along with activities associated with mining including aggregate stockpiling, equipment storage, and recycling of concrete and asphalt materials. **No blasting is proposed for this site.** Additional detail on operations is included below.

Currently the proposed site is zoned AT-35 (Agriculture Transition) and non-metallic mineral extraction is an allowable use under the current zoning through a conditional use permit. The proposed activities are consistent with the properties directly to the West (asphalt plant under WPE), directly to the East (active mine) and southwest (concrete plant being constructed by Zignego).

Entrance to and exit from the site would be off Reiner Road. All interior roads will be paved. To minimize dust, all interior roads will be watered as necessary depending on weather conditions.

**The aggregate stockpiles will have a maximum height of XX'.** Screening berms and landscaping will be installed prior to operations along Reiner and Nelson Roads.

#### **Hours of Operation**

The typical hours of operation would be from 6:00 a.m. to 7:00 p.m. Monday through Saturday with the majority of operations occurring from the months of April through November. Occasional operations would be necessary at night or weekends to support required projects in the area that might require such timing. Operational activity would be significantly reduced from December through March as paving operations slow down during cold winter weather.

#### **Number of Employees**

The proposed operation would share employees and resources with the property directly to the West. It is anticipated that no more than 10 employees would be on site at any time depending on the level of operations occurring.

#### **Anticipated noise, odors, dust, soot, runoff, or pollution associated with CUP**

All efforts would be made to minimize any noise, dust, soot, or runoff as part of operations. Water will be used onsite to minimize dust and all water would be maintained on site. Operations will be consistent in nature with current surrounding operations.

**Describe any materials proposed to be stored outside and any activities, processing or other operations taking place outside an enclosed building.**

Consistent with neighboring operations, materials and production of materials would all occur outdoors.

**For proposals involving construction of new facilities and/or infrastructure, describe, as applicable, any measures being taken to ensure compliance with county stormwater and erosion control standards under Chapter 11 of Chapter 14 Dane County Code.**

Prior to operations WPE will get a stormwater plan approved as part of the construction of the proposed berms and general grading of the property.

**List and describe existing or proposed sanitary facilities, including adequate private onsite wastewater treatment systems, associated with the proposed conditional use.**

Not applicable.

**List and describe any existing or proposed facilities for managing and removal of trash, solid waste and recyclable materials.**

Trash removal will be provided by a local hauler under contracted services.

**Describe anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.**

Similar to the operation currently in operation in the surrounding area, most of the activity coming into or out of the proposed site will occur via quad trucks and/or semi-trailers. Traffic would be seasonal as described above and would follow existing truck routes.

**Provide a listing of hazardous, toxic, or explosive materials to be stored on site, and any spill containment, safety or pollution prevention measures.**

On and off-road diesel fuel will be maintained on site. Spill kits will be maintained on site in the event of any spillages.

**Describe any existing or proposed outdoor lighting along with any measures that will be taken to mitigate light-pollution impacts to neighboring properties.**

No permanent lighting will be installed on site. Operations will primarily occur during daylight hours. To the extent that operations are required during non-daylight hours, a portable light kit will be used and all efforts will be made to point lighting away from surrounding neighbors.

**Describe any existing or proposed signage, including size, location, and materials, consistent with the county's sign ordinance.**

A sign would be placed next to the proposed driveway on Reiner Road. WPE is open to the exact size and location of the sign and will review plans with the Town and County prior to placement.

**Briefly describe the current use(s) of the property on which the conditional use is proposed.**

The existing site is a combination of an open grass field and woods which are both unused and unoccupied at the current time.

**Briefly describe the current uses of surrounding properties in the neighborhood.**

West- WPE operates an asphalt plant and related activities directly to the West across Reiner Road.

East – Madison Sand and Gravel owns and operates a quarry and reclamation pit to the West.

North – The property to the North is currently a combination of farm field and forested land.

South – The property directly to the South is used by a local car dealership as an overflow storage lot. The other properties to the South are generally either manufacturing, light commercial, or storage buildings.

### Standards of a Conditional Use Permit

- 1. The establishment maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The proposed mining and recycling operation will be setup and operated to impact the public health, safety, comfort, and general welfare as little as possible. The proposed operation is an extension of the operation already occurring and approved on the Wolf Paving operation to the west of this location. The proposed operation will include a berm to buffer the operation along Nelson and Reiner Roads, including landscaping on top of the berms. In addition, the neighbors to the east of the proposed operation already conduct a similar operation under existing permitting and zoning. All trucking in and out of the proposed operation will utilize Reiner Road which is currently a truck route for nearby businesses.

- 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.**

The proposed operation is very similar in use to the existing operations in the area including Wolf Paving asphalt plant (directly to west of property), Zignego concrete batch plant (directly to the southwest of property), and Madison Crushing's mining operation (directly to the east of the property).

- 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.**

As noted above in #2, the CUP is very similar in nature to other uses in surrounding properties.

- 4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use.**

The proposed operation includes the construction of a paved driveway entrance off Reiner Road as well as a berm to be constructed along Reiner and Nelson Roads. Prior to the construction of these items all permits for driveway entrances, stormwater, and grading permits will be obtained and approved by the Town, Count, and State as required. In addition, prior to commencement of any mining operations, a permit through the WI DNR will be obtained as required.

- 5. Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets.**

Ingress and egress will take place through a driveway to be installed accessing Reiner Road. The paved driveway will allow access to the property while ensuring that congestion on Reiner Road does not occur.

- 6. That the conditional use shall conform to all applicable regulations in the district in which it is located.**

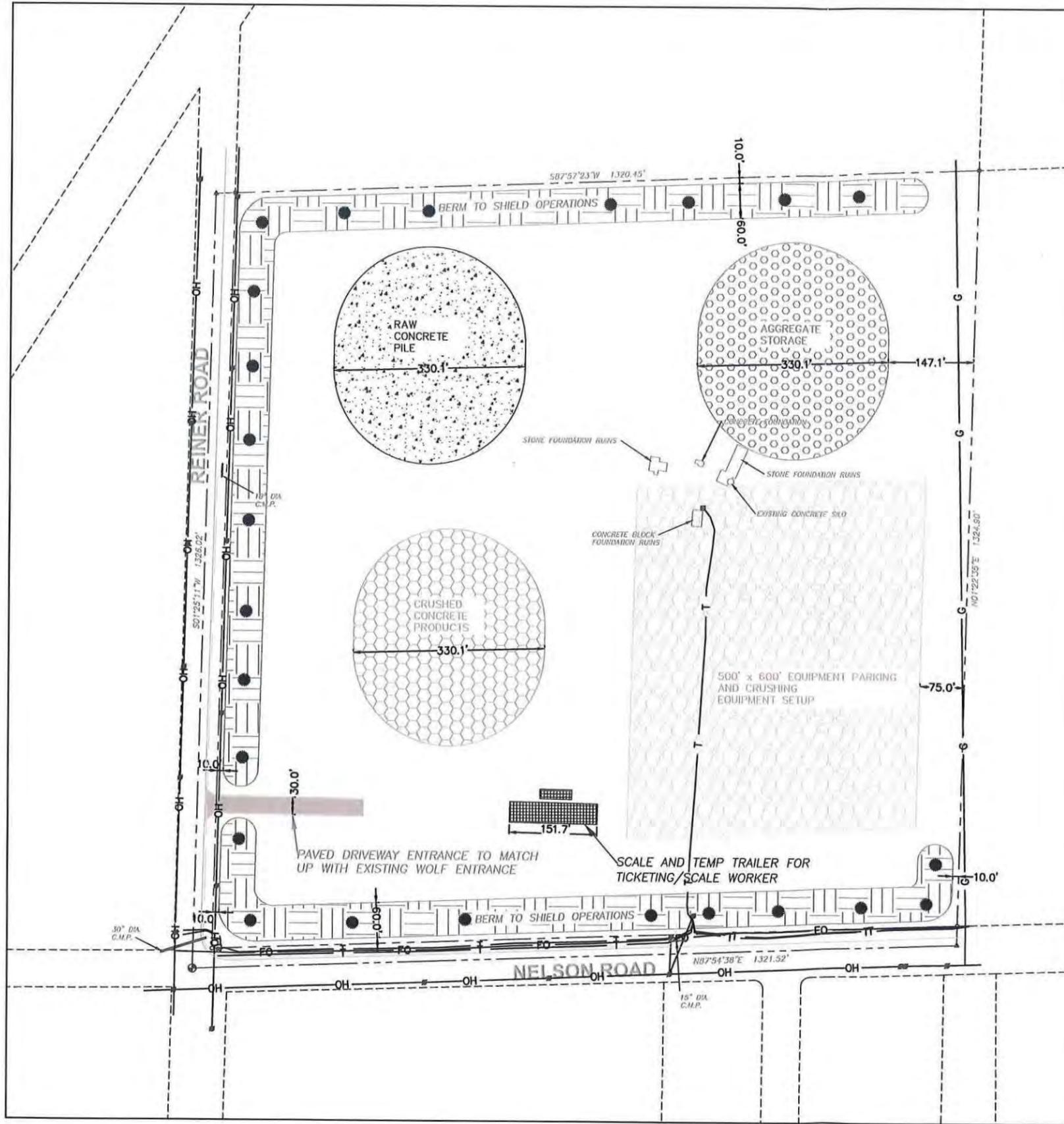
This conditional use will conform to any and all applicable regulations necessary for the proposed operation.

**7. The conditional use is consistent with the adopted town and county comprehensive plans.**

The proposed operation is part of property governed by the Final Town of Burke, Village of DeForest, City of Sun Prairie, and City of Madison Cooperative Plan. As part of this agreement, the property will fall under the jurisdiction of the City of Madison on or before October 26, 2036. The City of Madison is currently conducting a study named the Reiner Road Development plan to determine the plan for the subject property.

**8. If the conditional use is located in Farmland Preservation (FP) Zoning district, the conditional use is subject to the following additional standards found in section 10.220(1).**

This is not applicable at this location.



- CONIFEROUS TREE
- FO— FIBER OPTIC
- OH— OVERHEAD LINE
- T— UNDERGROUND TELEPHONE
- G— NATURAL GAS
- PLATTED LOT LINE
- PARCEL BOUNDARY
- SECTION LINE

EXISTING BOUNDARY AND UTILITY INFORMATION FROM ALTA SURVEY PERFORMED BY TALARCZYK LAND SURVEYING ON JANUARY 14, 2020.



WOLF PAVING  
SUN PRAIRIE

DATE 3/10/2020  
CONDITIONAL USE  
EXHIBIT-SITE  
PLAN

