



# Staff Report

Zoning and Land Regulation Committee

Public Hearing: **March 27, 2018**

Petition: **Petition 11252  
CUP 02411**

Zoning Amendment:  
**RE-1 Recreational District TO A-2 (4) Agriculture District**

Town/sect:  
**ALBION, Section 16**

Acres: 4.93  
Survey Req. Yes

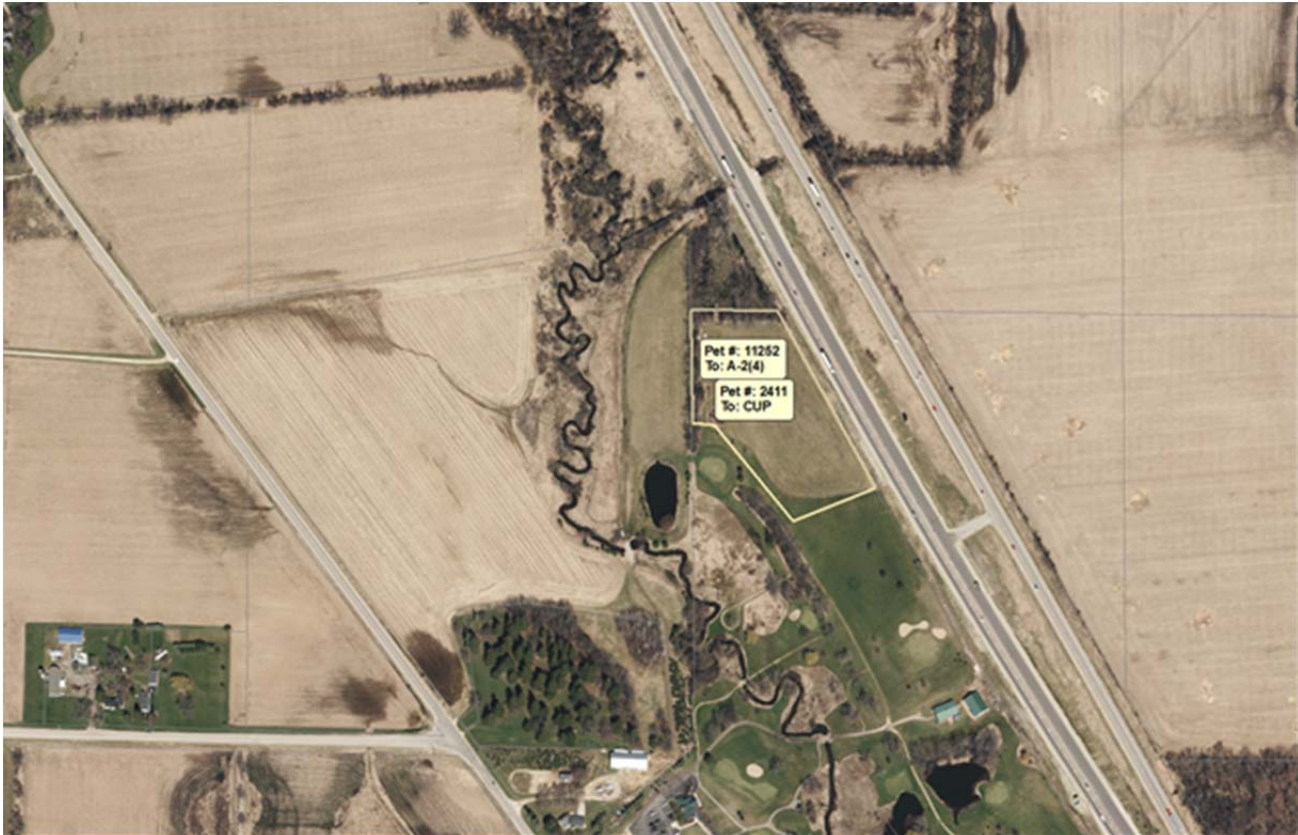
Applicant  
**LENOX LANDSCAPE AND SUPPLY LLC**

Reason:  
**CHANGE ZONING TO ALLOW TEMPORARY CONCRETE BATCH PLANT, TO CHANGE BACK AFTER PROJECT COMPLETE.  
TO CUP: TEMPORARY CONCRETE BATCH PLANT**

Location:  
**770 ALBION RD**



- **Agent/Applicant:** Rock Road Companies
- **Owner:** Lenox Landscape and Supply
- **Size, zoning, use of existing parcel:** 4.93 acre zoned RE-1 Recreational District
- **Rezone/CUP desired:** The applicant wishes change the zoning from RE-1 to A-2(4) with a CUP for mineral extraction to operate temporary portable concrete batch plant to provide material for WisDOT project #1007-11-74, along the IH 39/94 (Dane County line to East Church Street).
- **Other county permits:** Because the site falls under WisDOT Trans 401, a county Chapter 14 permit is not required. An erosion control implementation plan (ECIP) will be in place (see Erosion Control/Stormwater management).
- **Town Action:** The Town of Albion approved pet#11252/CUP 2411 with 19 conditions. The town conditions are incorporated in the list of recommendations listed at the end of this report.



### **DANE COUNTY PLANNING STAFF COMMENTS**

**Overview:** As described in the application materials, based on the onsite availability of aggregate materials as well as proximity to the proposed expansion project (I39/90), this site is an appropriate location for the staging of a portable temporary concrete plant. There will be no permanent structures on the site. The batch plant will begin operation around July 15, 2018 and end around November 15, 2018. The portable batch plant will be removed before December 31, 2018. Hours of operation will be Truck traffic will go directly to the project rather than passing through town roads.

**Environmental Resources:** The site is a portion of an existing golf course approximately 30 acres in size, with 5 acres in agricultural use. Wetlands exist just north of the boundary of the site and wetlands and floodplain to the west and southwest.

**Operations:** The batching plant is temporary and portable. The plant will be utilized to mix concrete and load trucks going to the I39/90 corridor expansion project. All access to and from the property will be via IH 39/90 – no haul roads will be used to access this site. Operations will generally be during daytime working hours (6 am to 8 pm), Monday through Saturday, with occasional operations on Sundays. Because WisDOT sometimes requires nighttime work, 24-hour operations is requested, and night work will only be used when required by WisDOT. If operations do occur at night, portable outdoor lighting will be provided and the light will be directed away from property lines, neighboring parcels and roads.

Outdoor storage will consist of stockpiles (washed sand, ¾" stone and 1½" stone), concrete and a generator. The fly ash will be stored in portable containers. There will be no fuel stored on site.

**Erosion Control/Stormwater Management.** The proposed operation falls under Trans 401 which is under the direction of the WisDOT and does not require an erosion control/storm water management plan from Dane County. Dane County Land & Water staff confirmed that this is the case. The site will have an approved erosion control implementation plan (ECIP) to be approved by WisDOT and the DNR. The ECIP includes the use of tracking pads, installation of a screening topsoil berm, silt fence and sediment basins. Water and/or calcium chloride will be used for dust control.

**Town of Albion Comprehensive Plan:** The subject property is in the *Farmland Preservation and Resource Protection* land use districts. With proper attention to sensitive environmental features and proper conditions for the operation, this use is consistent with the Town and County Comprehensive plans.

**Compliance with Standards Required for Granting Conditional Uses:** Chapter 10 provides six standards for granting a CUP in Section **10.255(2)(h)**, as follows:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. That 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. That 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. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
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.

**POTENTIAL CONDITIONS OF APPROVAL FOR CUP 2411:**

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.

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 and those from the town of Albion.

1. The batch plant at this site may be used only for the I39/90 Project WISDOT 1007-11-74, I90/39 South Dane County Line to East Church Road Southbound Lanes.
2. Operator shall provide the WisDOT project ID and documentation from WisDOT showing that material from this site meets project specifications. This documentation will be provided to the Dane County Zoning division.
3. No mineral extraction, no crushing, and no aggregate washing shall occur on-site.
4. There shall be no blasting on the site.
5. Operations shall cease no later than December 1, 2018.
6. Hours of operation shall be as follows:  
Concrete Batching: day or night as required to meet WisDOT contract requirements, Monday – Saturday, and occasional Sunday. Limits established by the Township shall be included with the hours of operation.
7. The applicant shall follow the approved erosion control implementation plan (ECIP).
8. The operator shall use spray bars (water) and/or water truck to reduce dust and as requested by a representative of Lenox Landscape Supply. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust.
9. The applicant shall apply for and receive all other required local, state and federal permits. Copies of permits must be provided to the Town of Albion.
10. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR

415.076.

11. The operator shall develop and operate the site according to the site/operations plan submitted with the application materials.
12. A berm minimum of three (3) feet above the elevation of the site pad will be placed along all sides of the site except the interstate side.
13. The operator and all haulers shall access the CUP site via the interstate with tracking pad as noted on the Site/Operations Plan. The applicant shall resubmit exhibit with the title "Site/Operations Plan" and provide a date of the submittal on the map for acceptance.
14. Applicant will not use any Town of Albion roads for hauling to/from this site.
15. No bulk fuel storage on site.
16. The operator shall require all trucks to have muffler systems that meet or exceed the current industry standards for noise abatement.
17. Noise from site shall be controlled by establishing a decibel limit with the County and the Town. The County to establish appropriate levels and monitoring details with approval from the Town Board since noise from the Interstate does impact this area as well.
18. Outdoor lighting will be portable and will be directed away from property lines, neighboring parcels and roads to mitigate impacts. Light must be directed in a way that it will not leave the site.
19. Applicant will provide a well usage report any month the well is used for the duration of the CUP.
20. Edgerton Fire Protection District shall review applicant's plan for operations and provide input on any conditions it sees as necessary to protect the public.
21. The owner/operator must post a copy of this conditional use permit #2411, including the list of all conditions, on the work site.
22. Dane County and the Town of Albion shall be listed as primary additional named insureds on the Rock Road Companies, 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.
23. 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.
24. 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)**