



DANE COUNTY PLANNING & DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703
Fax (608) 267-1540

*Housing &
Economic Development*
(608)266-4270, Rm. 362

Planning
(608)266-4251, Rm. 116

Records & Support
(608)266-4251, Rm. 116

Zoning
(608)266-4266, Rm. 116

February 6, 2015

Yahara Materials, Inc.
Buckeye Quarry, LLC
6117 County Highway K
Waunakee, WI 53597

RE: CUP #1059 violations and Committee Review Notice

Dear Mr. Burcalow,

On November 7, 2014, Assistant Zoning Administrator Dan Everson conducted a site inspection at the quarry located at 4315 County Highway AB in the Town of Blooming Grove. The site is also known as the Buckeye Quarry. During the site inspection, it was observed that the concrete batch plant that was approved for operation under Conditional Use Permit (CUP) #1059 was located outside the approved area. See attached map.

Dane County Zoning Division has also found the following discrepancies with the operation of this concrete batch plant that has raised concerns. The items are listed as follows:

1. The concrete batch plant was located approximately 700 feet away from the location as noted under the approved site map under Conditional Use Permit #1059. Further the batch plant was located outside the boundaries of the conditional use permit. Dane County Zoning Division considers this a violation of the terms of the conditional use permit.
2. When Conditional Use Permit was approved in 1993, the Dane County Zoning and Natural Resource Committee approved the Conditional Use Permit with a condition that the Blooming Grove Town Board review the operation on an annual basis. See attached minutes. In checking with the Town of Blooming Grove, the annual review of the batch plant has never taken place. Dane County Zoning Division considers this a violation of the terms of the conditional use permit.
3. During the approval of CUP 1059, the Regional Planning Commission raised concerns regarding the operation of concrete batch plant in a soon to be urbanized area. They note that there should be no long term commitments for this type of use in this location. Now 22 years later, there have been several complaints lodged with the City of Madison and Dane County regarding the truck traffic traveling west from the quarry on Buckeye Road. The area along Buckeye Road has developed into a residential neighborhood. It appears that the concrete batch plant is having a negative effect on traffic patterns in the area and may be conflicting with standard #3 and #4 of the conditional use permit. Alternate trucking routes may be needed to ensure safety of the residential neighborhood.

4. There is a pending violation occurring at the Buckeye Quarry site. It appears that the quarry operator has extracted aggregate materials from the west side of the quarry without proper approvals. The area is zoned A-1 Exclusive Agriculture and requires a conditional use permit to extract non-metallic minerals pursuant to Dane County Code of Ordinance Section 10.191. It is estimated that operator has extracted approximately 250,000 tons of aggregate from the site, equivalent to 10,000 truck loads of material. The matter is currently being reviewed by the Board of Adjustment. Given the pending violation, staff feels that the batch plant was used in the processing of the illegally extracted materials and should be considered as violating standard #6 of the conditional use permit. The batch plant should be operated in an area that is in conformance of applicable regulations of the zoning district.

Given the amount of issues that have arisen regarding this conditional use permit, Dane County Zoning Division will be requesting that the Dane County Zoning and Land Regulation Committee review Conditional Use Permit #1059 pursuant to Dane County Code of Ordinance section 10.255 (2)(m).

Please be informed that the Dane County Zoning and Land Regulation Committee will be holding a public hearing on CUP #1059 on February 24, 2015 at 7:00pm in Room 201 of the City-County Building, 210 Martin Luther King Jr. Boulevard, Madison, WI. If the Committee finds that the standards of the conditional use permit are not being complied with, the Committee may revoke the permit.

If you would like to contact me regarding this issue, I can be reached at (608) 266-9078.

Respectfully,

Roger Lane
Dane County Zoning Administrator

CC: Town of Blooming Grove Clerk
Assistant Zoning Administrator Dan Everson



IN FAVOR: P. Stiennon
OPPOSED: None
STAFF: EHD, RPC, CO HWY
TOWN: Approved

10. CONDITIONAL USE PERMIT #1059 by Yahara Materials, Inc. to allow concrete batch plant for highway project on property located East of 4343 CTH AB in part of the NE 1/4 Section 14, Town of Blooming Grove.

IN FAVOR: Larry Berkalow
OPPOSED: None
STAFF: EHD, RPC, CO HWY
TOWN: Approved subject to the following condition;

1. The Town Board shall review the operation on an annual basis

COND
MOTION by Hellenbrand/Sara to impose the condition requested by the Town; carried 7-0.

MOTION by Hellenbrand/Sara to find that the standards are met and to grant the permit; carried 7-0.

11. CONDITIONAL USE PERMIT #1060 by Yahara Materials, Inc., agent for Philip Schadler to allow mineral extraction - governmental use on property located West of 6104 STH 78 in part of the SE 1/4 NE 1/4 Section 10, Town of Mazomanie.

IN FAVOR: L. Berkalow
OPPOSED: None
STAFF: EHD, RPC
TOWN: No communication

12. PETITION #5620 by Carol J. Dahmen to change the zoning from A-1 Exclusive Agriculture to R-4 Residential and RH-4 Rural Homes on property located North of 5429 Colonial Crest Drive in part of the N 1/2 SW 1/4 Section 10, Town of Westport.

IN FAVOR: C. Dahmen
OPPOSED: None
STAFF: EHD, RPC
TOWN: Approved

13. PETITION #5621 by James Bricker, AICP hereby petitions the Dane County Board of Supervisors to amend the zoning district maps of the Town of Windsor to implement the Town Land use Plan and to change the zoning classification of all of the lands in the A-1 Agriculture District (Section 10.12) that are not within nor contiguous to Urban Service Areas to the A-1 Agriculture (Exclusive) District (Section 10.123); and to change the zoning classification of all of the lands in the A-1 Agriculture District (Section 10.12) that are within and or are contiguous to Urban Service Areas to the A-3 Agriculture District. Specific maps may be viewed in the Dane County Zoning Office - Room #116, City-County Building, - 8:45 A.M. thru 4:30 P.M. / Mon. - Fri.

IN FAVOR: Allen Harvey Chairman Town of Windsor, Morris Cooper, Bill Lehman, Arthur Anholt, Bob Wipperfurth, Betsy Schulte, Ron Lovick, Junior Manthe, Gary Pahlman, Karen Womack, Jim Belda.
OPPOSED: None
STAFF: EHD, RPC
TOWN: Approved.

TOWN OF BLOOMING GROVE

TELEPHONE 249-2194

3325 THURBER AVENUE - MADISON, WISCONSIN 53714

May 23, 1993

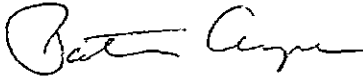
Mr. Bill Fleck
Dane County Zoning
Madison, WI 53709

Dear Mr. Fleck:

In regard to the conditional use permit for the concrete batch plant at the Yahara Materials Gravel pit, the town wishes to have an annual review (in January) of the operation of the concrete batch plant. Items for review are:

- Traffic patterns and amount of traffic generated by the plant.
- Conditions of the entry into the pit, including amount of dust caused by extra traffic.
- Time of operation--daily hours and also length of time (weeks, months, etc) that pit is used for batch plant.
- Complaints of nearby residents.

Sincerely,



Patricia Ampe, Chair

C.U.P. # 1059

WHEREAS, the Town Board of the Town of BLOOMING GROVE
having considered said Conditional Use Permit, be it therefore resolved that
said permit is hereby (Approved/Disapproved).

Subject to the following conditions:

(Cross out or write "none" if not pertinent)

APPROVED WITH CONDITION THAT IT BE
REVIEWED ANNUALLY BY THE TOWN OF
BLOOMING GROVE

(Use reverse side if necessary)

(I, BARBARA Moody, as Town Clerk of the Town of
BLOOMING GROVE, County of Dane, hereby certify that the
above resolution was adopted in a lawful meeting of the Town Board
on April 12, 1993.

Barbara K. Moody

Town Clerk

DATED: 5/11, 1993.

COMPOSIT REPORT

APPLICATION # CUP 1059

TOWN BOARD COMMENT:

STAFF COMMENTS

REGIONAL PLANNING COMMISSION (RPC)

CUP 1059. This is an existing mineral extraction site where a concrete batch plant is proposed for a public highway project.

There are two houses at the northwest corner of the site, a house directly north across Highway AB, and houses on virtually all of the lots in the subdivision at the Sprecher-AB intersection to the northeast. In addition, there is a residential subdivision to the northwest within the City of Madison (and central urban service area) currently under construction. However, no houses have yet been constructed.

With a limit to highway projects for the 1993 construction season only, this may be workable. The area is subject to urbanization, primarily residential; therefore, there should be no longer term commitments for a concrete plant facility.

ENVIRONMENTAL HEALTH DEPT. (EHD)

CO. HIGHWAY DEPT.

OTHER



Notice of Public Hearing

Zoning and Land Regulation Committee

<i>Public Hearing:</i> February 24, 2015	<i>Petition:</i> CUP 1059
<i>Action:</i> Review of Conditional Use Permit #1059 – Concrete Batch Plant	<i>Town/sect:</i> Blooming Grove / 14
<i>Acres:</i> 45.2 acres	<i>Owner:</i> Yahara Materials, Inc Buckeye Quarry, LLC
<i>Reason:</i> Review and possible revocation of the Conditional Use Permit due to violations and concerns	<i>Location:</i> 4315 County Highway AB



A public hearing on this petition will be held on **February 24, 2015** at 7:00 P.M. in Room 201 of the City-County Building, 201 Martin Luther King Jr. Boulevard, Madison, WI. This hearing is being held so that the Dane County Zoning and Land Regulation committee (ZLR) may hear those persons who have an interest in the existing conditional use permit. The ZLR Committee will review the conditional use permit against the standards found in Dane County Code of Ordinances Section 10.23(2)(h). If the conditions stipulated in the conditional use permit are not being followed, the conditional use permit may be revoked by the Committee. Should you desire more information regarding this conditional use permit, please call or visit the Dane County Zoning Division, Room 116 City-County Building, telephone (608) 266-4266 between the hours of 7:45 AM and 4:30 PM, Monday - Friday.

A COPY OF THIS NOTICE HAS BEEN SENT TO NEIGHBORING PROPERTY OWNERS. PLEASE SHARE THIS NOTICE WITH ANY OF YOUR NEIGHBORS THAT MAY NOT HAVE RECEIVED THIS NOTICE BY MAIL.

Published in the Wisconsin State Journal: February 10, 2015 & February 17, 2015
 ZONING & LAND REGULATION COMMITTEE
 Supervisor Patrick Miles, Chair