


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> May 12, 2020		CUP 02492
	<i>Zoning Amendment Requested:</i> TO CUP: CONCRETE BATCH PLANT		<i>Town/Section:</i> PLEASANT SPRINGS, Section 6
	<i>Size:</i> 5 Acres	<i>Survey Required:</i>	<i>Applicant:</i> DOWNING 3094 CR MN LLC
	<i>Reason for the request:</i> CONCRETE BATCH PLANT		<i>Address:</i> SOUTHEAST QUADRANT OF I-39 AND COUNTY HIGHWAY AB INTERSECTION



DESCRIPTION: The applicant has applied for a Conditional Use Permit (CUP) for a temporary batch plant to provide material for state highway projects. The period requested is approximately 2 years, with an end date of December 31, 2021. 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.

OPERATIONS: Approximately 68,000 square yards of concrete batch is required for the associated WisDOT projects. Currently the land use is agriculture, and the site will return to agricultural use after the temporary batch plant is removed. The plant will begin operations around May 1st, 2020 and will complete operations around November 15th, 2021. The plant will be removed before December 31, 2021. Concrete batching will occur day and/or night Monday through Saturday, and occasional Sundays as required to meet WisDOT contract requirements. There will be no permanent structures or bulk fuel storage on site. Storage on site includes aggregate stockpiles (washed sand and 0.75" & 1.5" stone) and concrete and fly ash (contained). Temporary structures include the concrete batch plant, control trailer, generator, and concrete fly ash portable containments (*see image*).

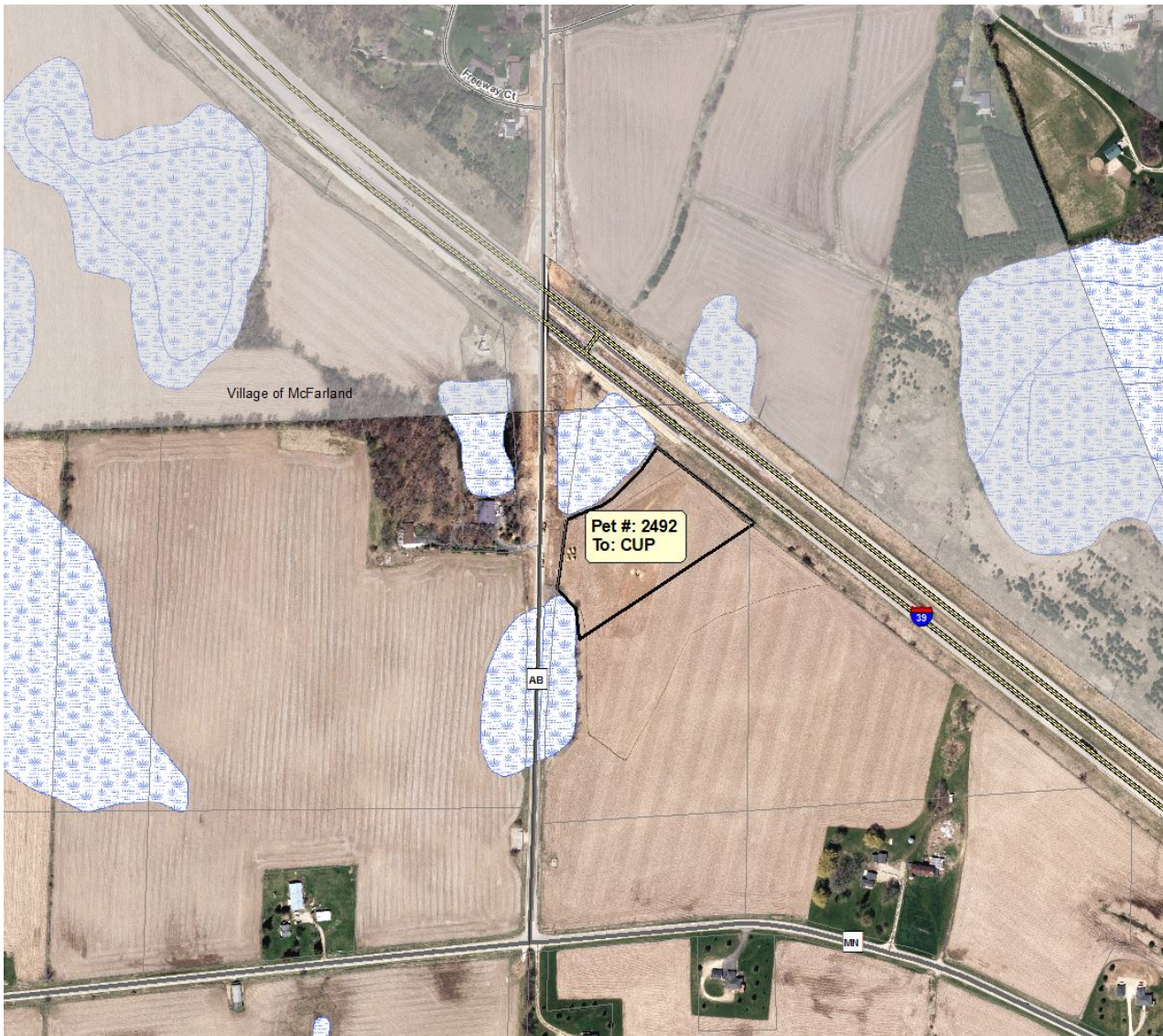


OBSERVATIONS: The site is surrounded by transportation, agricultural and single-family residential land uses.

TOWN PLAN: The subject property is in the Transitional Agriculture land use planning area of the town of Pleasant Springs Comprehensive Plan. The policy for this area is to treat it like the farmland preservation district until such time that the town is able to do cooperative planning with the Village. The plan does recognize mineral extraction as a use within the Agricultural Preservation land use planning area. The plan policies describe that this and related uses should meet standards and conditions associated with the County CUP process. This petition is consistent with the town and county comprehensive plans.

RESOURCE PROTECTION: There are DNR wetlands along the northern border and southwest border of the CUP area.

DANE COUNTY HIGHWAY DEPT: County Highway AB is a controlled access highway. Improvements will be required to County Highway AB as part of the increase traffic volumes and loading.



STAFF: The proposal is consistent with the town plan and is a reasonable location for such an operation. The site is located adjacent to a substantial highway expansion project. Trucks have a direct path to the project site rather than using town roads. This will also reduce the truck traffic on surrounding roads. Staff recommends approval with proposed conditions – conditions comprised of staff and town recommended conditions.

TOWN: The Town Board approved the application with 3 conditions.

- Project must be completed by Dec 31, 2021.
- Plan Commission will review CUP in one year if the project is extended.
- Contractor/land owners agree to have well quality inspections as requested. Contractor agrees to cooperate with inspection at contractor's expense.

COUNTY ZONING ORDINANCE

Compliance with Standards Required for Granting Conditional Uses: Chapter 10 provides six standards for granting a CUP in Section **10.107(7)(d)(1)**, 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.
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
7. That the conditional use is consistent with the adopted town and county comprehensive plans.
8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the finding described in Section 10.220(1)

The following are requirements for temporary batch plants, as described in Section 10.103(20):

1. The zoning committee and town board shall set daily limits on hours for concrete and asphalt production, as necessary to minimize impact on neighboring properties. Schedules for concrete or asphalt production need not conform to hours of operation for the overall mineral extraction project.
2. Operators of concrete or asphalt plants shall be responsible for any conditions placed on such operations.
3. Asphalt production facilities must comply with all requirements, including spill containment, or Chapter ATCP 93, Wisconsin Administrative Code.

The applicant must adhere to conditions that apply to all CUPs as described in Section 10.101(7)(d)(2). As described in Section 10.101(7)(d)(2)(b), the town board and county zoning committee may impose other conditions as necessary to meet standards for approval described in s. 10.101(7)(d)1. These other conditions are listed below under “potential conditions of approval for CUP 2492”.

POTENTIAL CONDITIONS OF APPROVAL FOR CUP 2492:

Conditions are customized to the particular site and operation, including conditions proposed by the applicant and reviewed by the town. The following list reflects appropriate “other conditions” as outlined in s. 10.101(7)(d)1 . Conditions requested in the Town Action Report are integrated into this list.

1. The batch plant at this site may be used only for completing WisDOT Project #1007-12-74, I-90/I-39, CTH AB to USH 12/18 Interchange, northbound/ southbound (NB/SB) and other USH 12/18 Interchange projects.
2. Operations shall cease no later than December 31, 2021. The Town Plan Commission will review the conditional use permit in one year to see if a time extension is needed.
3. Hours of operation shall be as follows: Concrete Batching: day or night as required to meet WisDOT contract requirements, Monday – Saturday, and occasional Sundays.
4. The operator shall spray the site with water, if and when, needed to control dust.
5. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076.
6. No permanent structures on site.
7. No bulk fuel storage on site.
8. 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.
9. The contractor/landowner shall conduct a well quality inspection if requested by the Town or the County. The report shall be submitted to the Town and the County for review. The contractor/landowner shall be responsible for the expense of the well inspection. Reports that are deemed a public hazard shall be cause for revocation of the conditional use permit.

(Questions? Contact Pam Andros – 261-9780)