

**DECEMBER 13, 2016 ZLR COMMITTEE PUBLIC HEARING
REZONE FROM C-2 TO A-2(4) AND
CONDITIONAL USE PERMIT FOR A TEMPORARY CONCRETE BATCH PLANT**



DANE COUNTY ZONING STAFF COMMENTS / BACKGROUND

Owner/Applicant: John Halverson is the owner and Marie Venne, P.E. (of Endpoint Solutions) is the agent.

Size, zoning, use of existing parcel: 5.2 acres, zoned C-2 commercial, and used as cropland.

Rezone/CUP desired: The applicant is requesting a rezone/conditional use permit to operate a temporary portable redi-mix concrete (RMC) batch plant for the I-39/90 Corridor Expansion project which is scheduled to be completed by December 31, 2022 (approximately a 6 year period). Batch plants are allowed as a conditional use in the A-2 district.

History: The applicant originally applied for a CUP for an RMC batch plant to be located within an existing Mineral Extraction site (the Ramsey Pit Quarry) located on Ramsey Road in Section 27 of the town of Albion. He then decided to apply for this site due to the proximity to the interstate, and surrounding land uses being commercial in nature rather than residential. This location is closer to the intended construction projects, namely the Interstate 39/90 Corridor Expansion project. The next segment of construction on the I-39/90 expansion project will be near the Rock River bridge in Edgerton.

DANE COUNTY PLANNING STAFF COMMENTS

Operations Plan: This redi-mix concrete batch plant will be used to mix concrete and load concrete trucks to supply the I-30/90 corridor expansion project jobsites as well as related county and municipal projects related to the corridor expansion. Although exact numbers depend on the size and timing of jobs awarded, it is anticipated that there will be five to fifteen employees at the plant. Proposed operational hours are 6:00 a.m. to 8:00 p.m. during weekdays, and intermittent operations on weekends. In effort to minimize the impact on drivers, WisDOT does sometimes require nighttime work. For this reason, the ability to operate at night when required, is being requested. Lighting used for night work for employee visibility and safety will be controlled by being directed away from property lines and roadways, and shielded if necessary.

There will be outdoor storage piles on the site. Cement materials will be stored in outdoor bins and will be “handled internal to the mixing vessels so as to eliminate as much dust exposure as is reasonably possible”. Outdoor activities will include staging, handling and mixing of materials, loading concrete trucks, and washing trucks. Washouts of trucks will happen in areas designated for stormwater requirements.

The site will be accessed from Hwy 51 onto Haugen Road. Vehicle traffic will be routed to minimize traffic on local roads and avoid residential areas.

Surrounding Area Characteristics: The surrounding area is a mixture of commercial uses and agricultural land zoned for commercial use, and a few scattered residential uses.

Town Plan: The *Town of Albion Comprehensive Plan (2007)* identifies the subject property in the *Existing and Near-Term Commercial* land use district and the *Albion Hamlet Planning Area*.

Public comments/concerns received: We have received a letter from Mr. Gridley of Vico Plastics who is very concerned about potential impacts of dust on his manufacturing business. His business is located directly across from the proposed site. We also received a letter from Daryl Good, of 354 Haugen Road who has concerns about potential impacts from the proposal, including pollution, and negative impacts to public road safety, nearby businesses, and wetlands. *Please see attached letters.*

Compliance with County Ordinances: The applicant will have to meet requirements of **Chapter 14** (Stormwater and Erosion Control) of the Dane County Code of Ordinances (DCCO).

Chapter 10 provides six standards for granting a CUP in Section 10.255(2)(h) of the zoning ordinance are 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.

Because there have been concerns expressed from neighboring land owners, it is worthwhile reading the applicant's explanation of how they believe the proposal meets these six standards. Below each standard is the information exactly as it was stated in the application.

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

The proposed RMC batch plant will be operated to minimize impacts to the public as much as possible. All ingredients that will be handled, with the exception of cement, are screened prior to arriving onsite to reduce the potential for dust generation. Cement will be handled internally and transferred with specialized equipment designed to reduce dust emissions as much as possible. Truck traffic is consistent with traffic generated from neighboring parcels and will be directed away from nearby residential properties

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.

Adjacent parcels to the west and south are currently undeveloped, but zoned commercial. Parcels to the north and east are also zoned commercial and utilized for semi-tractor and trailer parking and refueling and other commercial uses. The nearest residences are located over 175' and 210' from the northeast and southeast property corners, respectively. The proposed use is consistent with neighboring non-residential parcels, and potential impacts to the neighboring residential parcels from increased traffic, noise, and light will be limited to the extent practical by the following proposed operational parameters:

- a) Utilizing Haugen Road to access Hwy-51 and the interstate in order to avoid passing any residences between the site and construction projects;
- b) Use of mobile equipment and lights utilizing the quietest generator reasonably available for the task; and
- c) Directing lights so as to minimize incident light on any neighboring parcels and roadways.

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.

The RMC batch plant will have similar truck traffic and operating times expected from a commercial area and consistent with the existing neighboring commercial operations. The parcel is of sufficient size (>5 acres) to allow sufficient setbacks from neighboring parcels and roadways to minimize impacts.

That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

The proposed RMC batch plant will be a temporary and portable installation. One driveway as shown on Figure 1 will be installed with a culvert in accordance with Town of Albion requirements and permitting. Minor clearing, grading, and filling will be performed to prepare for the ground for the batching equipment and stockpile areas. Electrical service at the Facility will be provided by portable generator units as necessary for nighttime work. A new onsite water well will be applied for and installed in accordance with all State and

Town of Albion requirements. No sewer connection will be necessary. Onsite water would be used for the batching operations or truck washout. As this is a temporary installation for construction with no associated building, sanitation facilities for onsite workers will be provided by portable toilets. Stormwater permits and improvements required by the Town, County and/or State will be installed as required and applicable.

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

Proposed traffic patterns at the Facility are expected to follow Haugen Road to Hwy-51 from the northern half of the Site as to eliminate traffic past residential parcels. One bi-direction driveway will be installed to minimize congestion and backups on the roadway.

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

The proposed RMC batch plant will require a rezone from C-2 Commercial to A-2 Agricultural to allow the conditional use. However, the proposed operations have been planned to comply with applicable A-2 zoning and land development requirements including but not limited to setbacks as identified in Chapter 10; Section 10.126 of the Dane County Zoning Ordinance.

RECOMMENDED CONDITIONS

The following list of conditions is based upon a list of conditions that are traditionally used for similar operations in Dane County, customized for this specific site and proposal. Any conditions requested by the town of Albion will also be incorporated into this list.

POTENTIAL CONDITIONS OF APPROVAL FOR CUP 2367:

1. The applicant shall submit an erosion control & stormwater plan covering the entire CUP area for the duration of operations, and receive approval of an Chapter 14 permit prior to commencing extraction operations.
2. The applicant shall apply for and receive all other required local, state, and federal permits.
3. The operator shall develop and operate the site according to the submitted site and operations plan.
4. Operations shall cease no later than December 31, 2022.
5. All drive aisles shall be either graveled or paved according to operations plans, and shall be maintained in a dust free manner in accordance with local, state, and federal regulations.
6. Hours of operation shall be as follows:
 - a. General daytime operations shall be limited to 6:00 a.m. to 8:00 p.m. Monday through Friday and intermittent operation during weekends as project demands arise.
 - b. For Wisconsin Department of Transportation (WisDOT) projects, hauling/transport of material will occur 24 hours per day/7 days per week. Hauling for local municipal and/or commercial projects will be limited to 6:00 a.m. to 8:00 pm Monday through Friday, and 7:00 a.m. to 12:00 pm on Saturday.

7. There shall be a minimum of an 80 foot setback from the northern and southern boundary of the CUP area.
8. The operator shall spray the site with water if and when needed to control dust.
9. The operator shall require all trucks and equipment to have muffler systems which meet or exceed then current industry standards for noise abatement.
10. The applicant shall meet DNR standards for particulate emissions as described in NR 415.075, Wisconsin Administrative Code.
11. The Dane County zoning administrator or designee may enter the premises of the operation to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. If the operation is not in reasonable compliance with the terms of this approval, such approval is subject to amendment or revocation.
12. The operator must post a copy of this conditional use permit (#2367), including the list of conditions, on the work site.

[Questions? Contact Pam Andros – (608) 261-9780]