
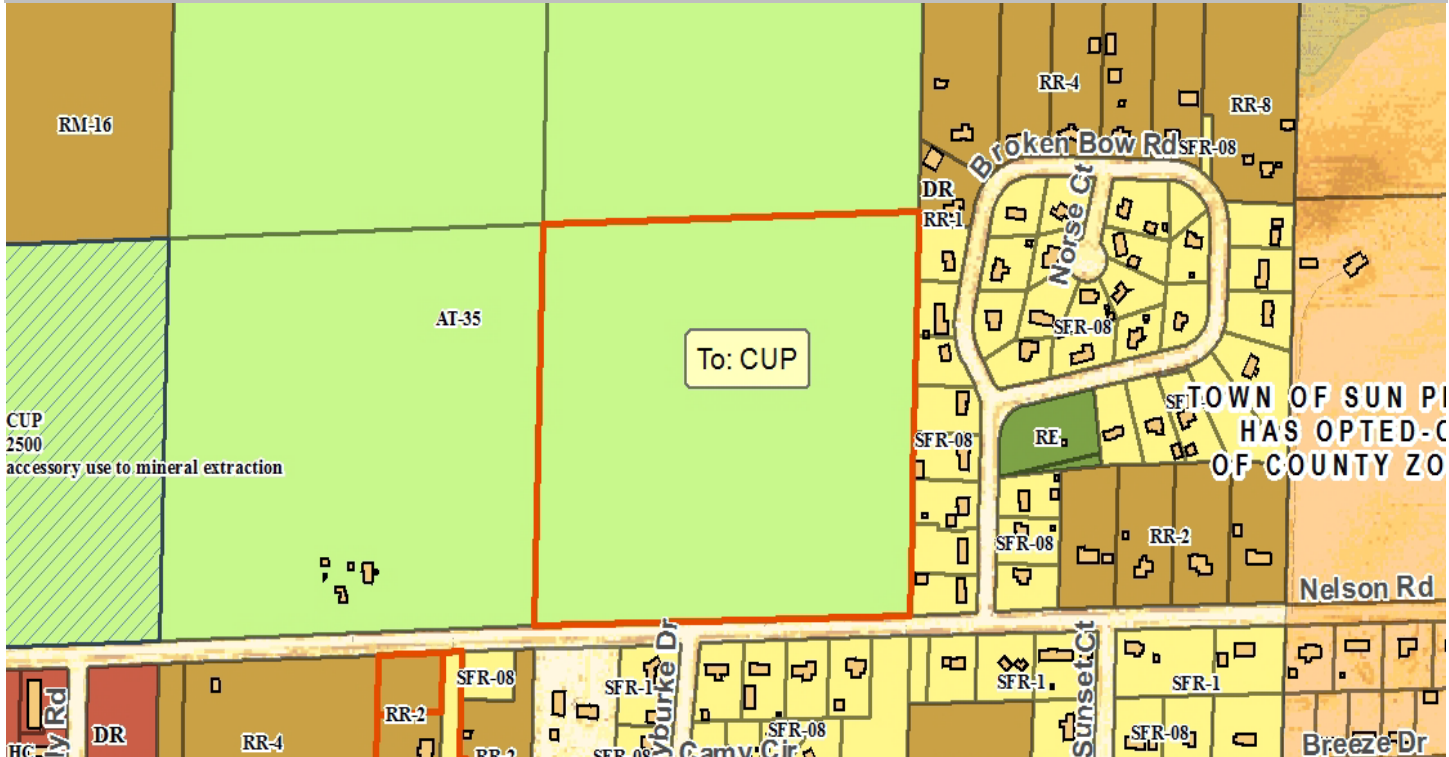


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>February 22, 2022</b>	<b>CUP 02555</b>	
	<i>Zoning Amendment Requested:</i> <b>TO CUP: Temporary Concrete Batch Plant for airport expansion project</b>		
	<i>Size:</i> <b>40 Acres</b>	<i>Survey Required:</i>	<i>Town/Section:</i> <b>BURKE, Section 24</b>
	<i>Reason for the request:</i> <b>Temporary Concrete Batch Plant for airport expansion project</b>		<i>Applicant:</i> <b>MADISON CRUSHING &amp; EXCAVATING INC</b>
		<i>Address:</i> <b>3262 NELSON ROAD</b>	



**DESCRIPTION:** Applicant, Vinton Construction, requests approval of a conditional use permit for temporary batch concrete production (a/k/a “ready mix batch plant”) to be located on 40 acres within the existing Madison Crushing and Excavating’s “West Pit”. The permit is being sought to provide concrete for the Dane County Regional Airport South Terminal expansion project scheduled to take place beginning in Spring of 2022 and ending in Fall of 2023. Proposed hours of operation are 6am-7pm Monday-Friday, and 6am-3pm on Saturdays.

**OBSERVATIONS/ FACTUAL INFORMATION:**

Location, size, existing use and characteristics of subject property: The property is located 3262 Nelson Road in section 24 of the town of Burke, approximately 1.7 acres east of the intersection of Nelson Road and US 151. The property is the site of ~300 acre legal, non-conforming mineral extraction site. Existing use of the property is a nonconforming sand and gravel quarry. Such nonconforming mineral extraction operations are not subject to conditions that limit hours / days of operation, truck haul routes, fugitive dust mitigation measures, or other conditions that may be required as part of a Conditional Use Permit request and approval. Adjacent land uses are residential and open space. There are 35 residences located within 500’ of the proposed CUP area.

Utilities, access, drainage, and other necessary site improvements: Applicant has submitted a site plan showing the location of the batch plant in the NW corner of the 40 acre CUP area. Aggregate meeting FAA requirements would be trucked to the site and stored in stockpiles near the batch plant. Access would be via the existing driveway serving 3262 Nelson Road, with the internal haul road leading north to aggregate stockpiles and the batch plant. The site is





Proposed haul route to DCRA

Applicant has provided copies of an approved Wisconsin Pollutant Discharge Elimination System (WPDES) industrial stormwater discharge permit for the proposed location. A pollution prevention and spill response plan detailing measures taken to address the release and containment of potential pollutants has also been provided. No well is proposed and water for the operation will be provided by onsite stormwater detention pond.

Applicable additional standards: The zoning code provides the following definition of *Temporary batch asphalt or concrete production*:

“Production of asphalt or concrete, using portable equipment, for a period not to exceed six months per calendar year and associated with time-limited, specific projects identified by project number.”

Per 10.103(20), the following additional requirements apply to temporary batch concrete and asphalt production:

(20) Temporary batch concrete and asphalt production.

- (a) 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.
- (b) Operators of concrete or asphalt plants shall be responsible for any conditions placed on such operations.



Site Plan

- (c) Asphalt production facilities must comply with all requirements, including spill containment, of Chapter ATCP 93, Wisconsin Administrative Code.

**TOWN PLAN:** The property is designated “Extractive” in the town of Burke’s comprehensive plan. The town plan provides the following description of the “Extractive” planning category:

*Extractive Description: This future land use category is intended for nonmetallic mine sites including quarries, gravel pits, clay extraction, waste disposal sites and related land uses. Lands within this category may be converted to recreational and open space uses in the long-term or other land uses if detailed reclamation plans have been approved by the Town and WDNR. There are three extractive site within the Town, outlined in Chapter 3.*

The property is located in an area of the town of Burke that will become attached to the city of Madison by 2036 under a cooperative planning agreement between the municipalities. The city of Madison comprehensive plan designates the property as a “Neighborhood Planning Area”. The city has postponed development of the Reiner Neighborhood Development Plan until a detailed watershed study is completed by the city’s engineering division.

**RESOURCE PROTECTION:** There are no resource protection areas located on the subject property.

**DANE COUNTY HIGHWAYS:** Not enough information provided to estimate traffic projections.

**CITY OF MADISON COMMENTS:** City of Madison planning staff have provided a letter indicating that the city does not object to the CUP, but, “...requests that the Zoning and Land Regulation Committee set an expiration date for the CUP of December 31, 2022.”

**STAFF:** The applicant is slated to provide approximately 4300 cubic yards of concrete for the airport expansion project across two phases. The first phase will account for the majority of the applicant’s involvement in the project and is expected to occur over a 4 week period this year. Due to changes in the project timeline made by DCRA, the second phase has been pushed back to early 2023. According to DCRA staff, the entire expansion project should be completed by November of 2023. Staff has requested that the applicant provide additional information regarding the anticipated timeframes and activity levels at the site.

Staff recommends postponement of the petition to allow for public testimony at the public hearing and for the town of Burke to complete its review. Any questions about this petition or staff report, please contact Majid Allan at (608) 267-2536 or [allan@countyofdane.com](mailto:allan@countyofdane.com)

**TOWN:** The town of Burke has held its public hearing on the CUP, but has not yet taken action. Action is anticipated at the town board meeting on Wednesday, February 23.