

Report to the Manitowoc Plan Commission

Meeting Date: Wednesday, August 26, 2020

Request: PC 26-2020 Vinton Construction Company; Request for a Conditional Use Permit in an I-2 Heavy Industrial Zoning District Pursuant to Section 15.350(3)z for Property off of Albert Drive for the establishment of a top soil processing, concrete batch plant, stone crushing and bulk storage of product operation.

Existing Land Use for Subject Property: Vacant / Undeveloped property

Existing Zoning for Subject Property: I-2 Heavy Industrial

Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
East	Industrial, Recycling Material transfer station	I-2 heavy Industrial
West, South	Park, Open Space, Railroad Line, Golf Course	P-1 Conservancy
North	Multiple Family Residential	R-6 Multiple Family

Comprehensive Plan: Ch. 66.1001, Wis. Stats. does not specifically require conditional use permits to meet the “Consistency Requirement”. For reference the area is depicted as “Office / Industrial” on the Future Land Use Map.

Report: Vinton is in the process of purchasing the subject property from P&Q East of Winnebago LLC (Michels Corporation) and as part of the property transaction Vinton has conditioned the purchase on the issuance of a conditional use permit to insure they can establish a concrete batch plant, stone crushing and bulk storage of product operation.

There are 3 properties that the CUP area will encompass, the parcels all share the same tax parcel #; the parcels cover approximately 19.33 acres. The CUP area will have approximately 880’ +/- of frontage along Albert Drive. Vinton is planning to use the property for 3 different operations. The area west of the west leg of Radandt Drive will be used for top soil processing, and the remainder of the CUP area will be used for either crushing and stockpiling of material or for the concrete batch plant location. They are anticipating that the topsoil screening and portable crushing plant would be in operation approximately 12 times per year and the concrete batch plant would be in operation during the typical construction season. Materials would be stockpiled on the site until it is processed for re-use.

The CUP area is split by a dedicated but unimproved right-of-way, Radandt Drive. The westerly leg of Radandt Drive is gravel, the easterly leg is not improved at all. Water, sanitary and storm utilities are in place under the westerly leg and terminate approximately half way around on the circular Radandt Drive. Fire hydrants are also present and would be in close proximity to the batch plant.

The site is relatively isolated with Meadow Links Golf Course and Indian Creek park to the south and west. Indian Creek park is currently being used as a passive park with a Frisbee golf course being the most active use. Manitowoc Disposal, Brandt Buses and a ministorage use are to the east. To the north is a mobile home park but the separation distance from the concrete batch plant and residential uses is roughly 650 feet. There is an existing berm that runs east / west along Albert Drive with average sized trees planted on it which provides some vision and noise barriers. The site has historically been used for other batch plant and material processing uses, no substantial buildings were ever constructed on the property. Vinton is proposing to extend the berm along the northeast portion of the CUP area.

The property south and west of the CUP area is currently being used by Carew Concrete as a cement batch plant for their operation. A conditional use permit was issued to Carew in 1998. The conditions for Vinton's CUP will try to be consistent with the conditions for Carew, seeing that the two sites are adjacent to each other.

Criteria for the Issuance of a Conditional Use Permit:

15.370(27)c of the Municipal Code provides the criteria for the issuance of a Conditional Use Permit. *"In acting upon any application for a conditional use, the Plan Commission and Council shall consider whether the requested use:*

- (1) is reasonably necessary for the convenience and welfare of the public;*
- (2) is in harmony with the character of the surrounding area;*
- and (3) will have a minimal or no effect on surrounding property values."*

Public Comments: Notices of the informational hearing were mailed out August 18th and no comments have been received as of the time of this writing.

Timeline

- Application Received: August 13th, 2020
- Notification Sent: August 18, 2020
- Neighborhood Meeting Held: August 26 Plan Commission
- Common Council Public Hearing September 21, 2020

Recommendation: Approve the request for a Conditional Use Permit for the establishment of a top soil processing, concrete batch plant, stone crushing and bulk storage of product operation.

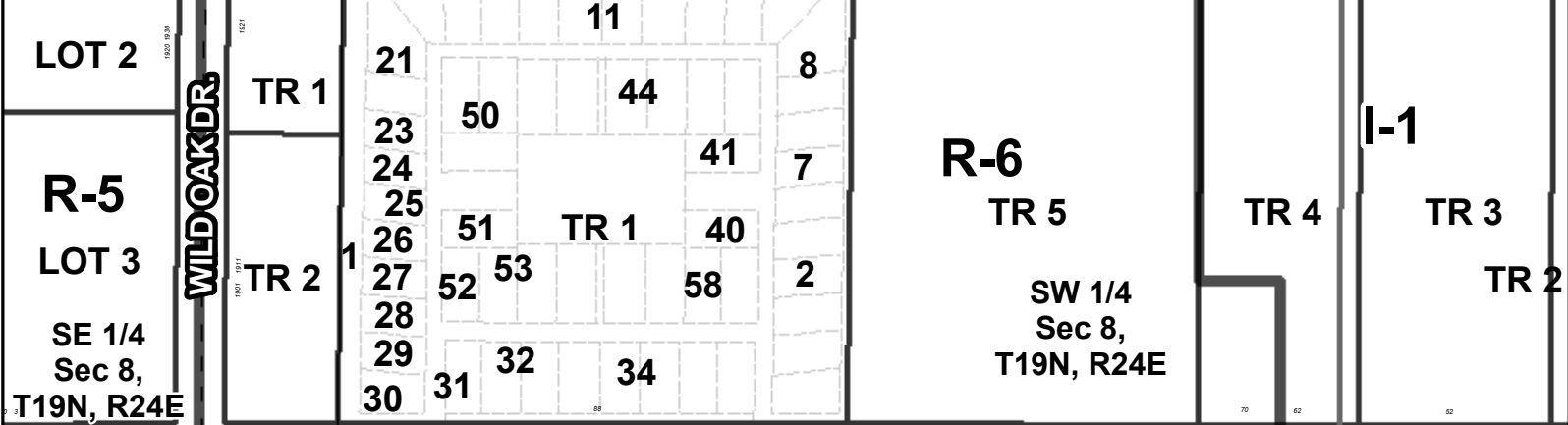
**REQUIREMENTS FOR A
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR VINTON CONSTRUCTION COMPANY
LOCATED IN THE 1800 BLOCK OF RADANDT DRIVE
08/26/2020**

Re: PC26-2020: The CUP is granted exclusively to Vinton Construction Company (“Owner/Vinton”) pursuant to Section 15.370(27) and 15.350(3)z of the Manitowoc Municipal Code (“Code”) for property located in the 1800 block of Radandt Drive (Property”), and shall hereinafter serve as authorization for the location and operation at the Property of a top soil processing, concrete batch plant, stone crushing and bulk storage of product business. The area of the CUP is identified on the attached map and shall hereinafter be referred to as the “CUP Area”. The CUP Area is located on Tax Parcel # 817-101-033.

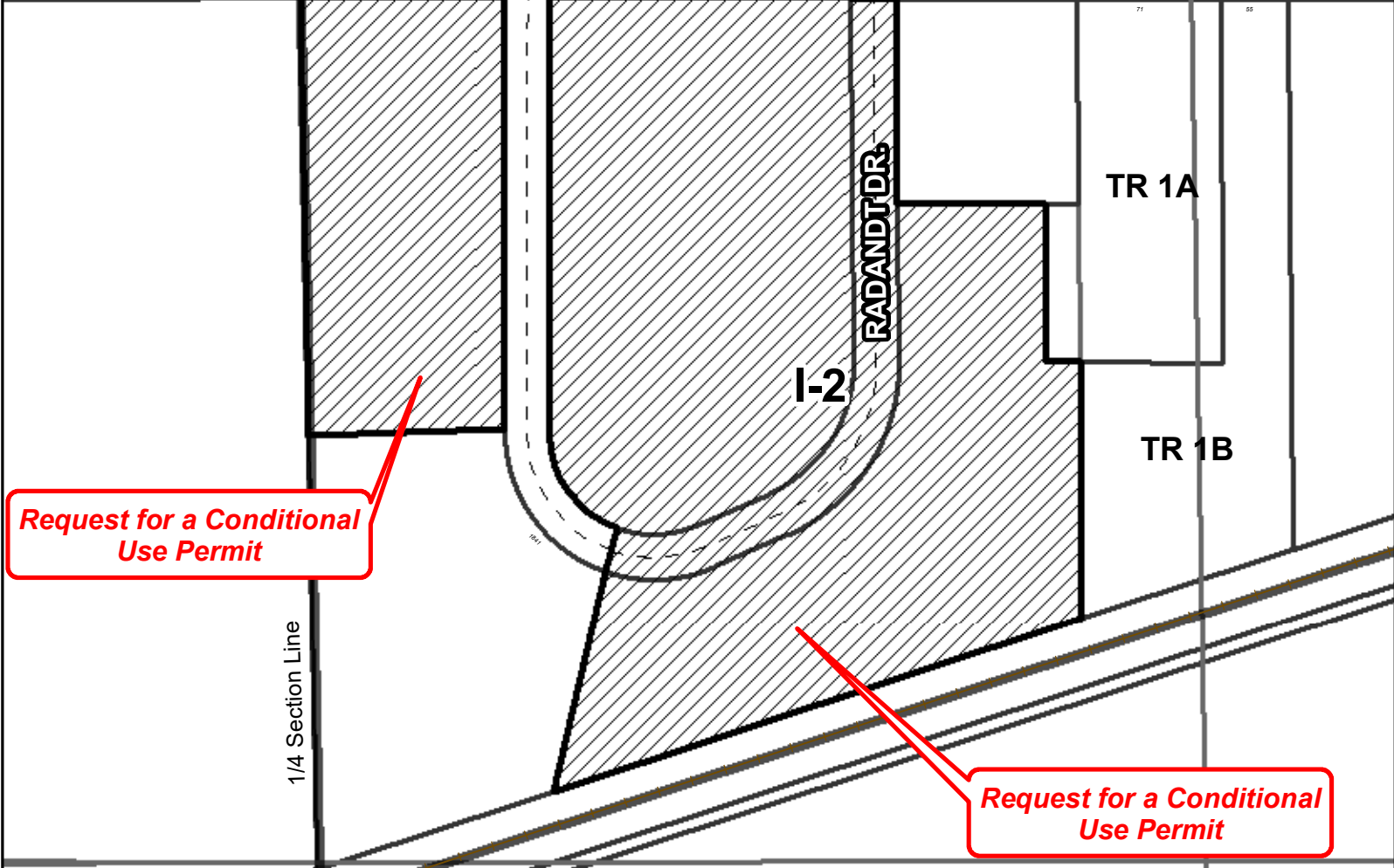
The Owner is required to comply with the following conditions:

1. This CUP shall not be assigned, transferred, sublet or conveyed in any manner without the written consent of the Common Council and Plan Commission. The CUP shall automatically terminate effective the date any license granted to the Owner, is closed, denied, revoked, or terminated. If the CUP is terminated the Owner shall have to re-apply for a new CUP.
2. Non-compliance with any terms or conditions of the CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the CUP.
3. Vinton shall make every effort to reduce ambient noise levels at the site.
4. Vinton shall cover graveled areas with dust palliatives at least twice each year or as additionally required by the City of Manitowoc.
5. Vinton will be permitted to operate between the hours of 6:00 am – 6:30 pm Monday thru Friday; Saturdays between the hours of 7:00 am – 12:00 pm. Vinton shall not be in operation on Sundays or any federal holiday.
6. Vinton shall extend the existing berm that is along Albert Drive; the berm shall extend southerly along the east property line for an approximate distance of 800 lineal feet as depicted on the map in the application packet. The berm shall be approximately the same height and width as the existing berm along Albert Drive. Trees shall be planted on or adjacent to the berm. The trees shall be the same species and spaced similarly to the ones along the Albert Drive berm. Prior to installation, the planting plan shall be reviewed and approved by the Community Development Department.
7. Vinton shall make every effort to retain the existing mature trees and shrubbery along the perimeter of the CUP area.
8. Vinton shall maintain a minimum 25’ natural buffer area around the perimeter of the CUP area. No storage or crushed materials, batch plant and other infrastructure shall be located in the 25’ buffer area.

9. No inoperable, junked or disassembled vehicles or machinery are allowed on the Property.
10. Vinton shall enter into a Right-of-Way use or similar agreement with the City of Manitowoc to address any activities in the dedicated Radandt Drive right-of-way. The CUP will not be effective until said agreement is approved and signed by the City.
11. Vinton will have until June 1, 2021 to purchase the property, if the purchase is after said date Vinton will be required to re-petition for a new CUP.
12. Vinton shall place and maintain any protection measures to protect the storm and sanitary sewers, water and other utilities. Vinton shall be required to place erosion control measures and silt fencing as determined by the City of Manitowoc Engineering Department.

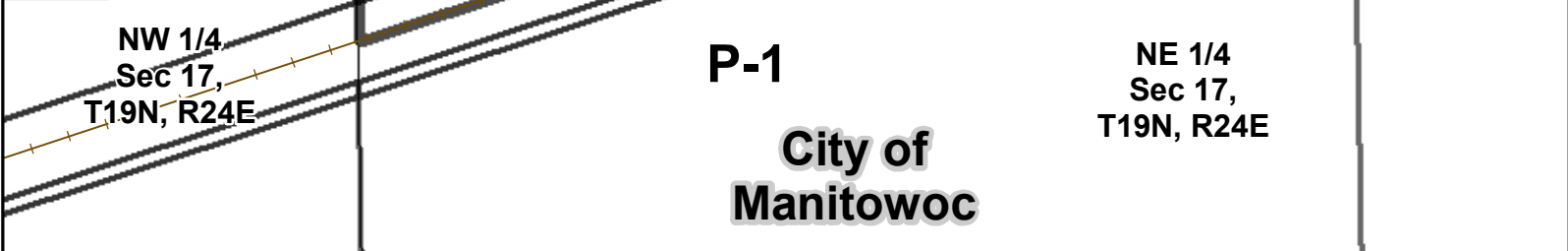


ALBERT DR. Section Line



Request for a Conditional Use Permit

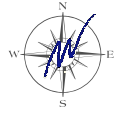
Request for a Conditional Use Permit



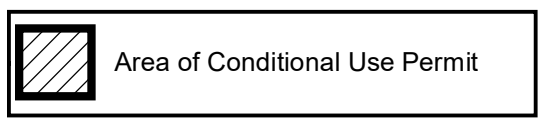
City of Manitowoc

CONDITIONAL USE PERMIT

City of Manitowoc, WI



0 125 250 Feet



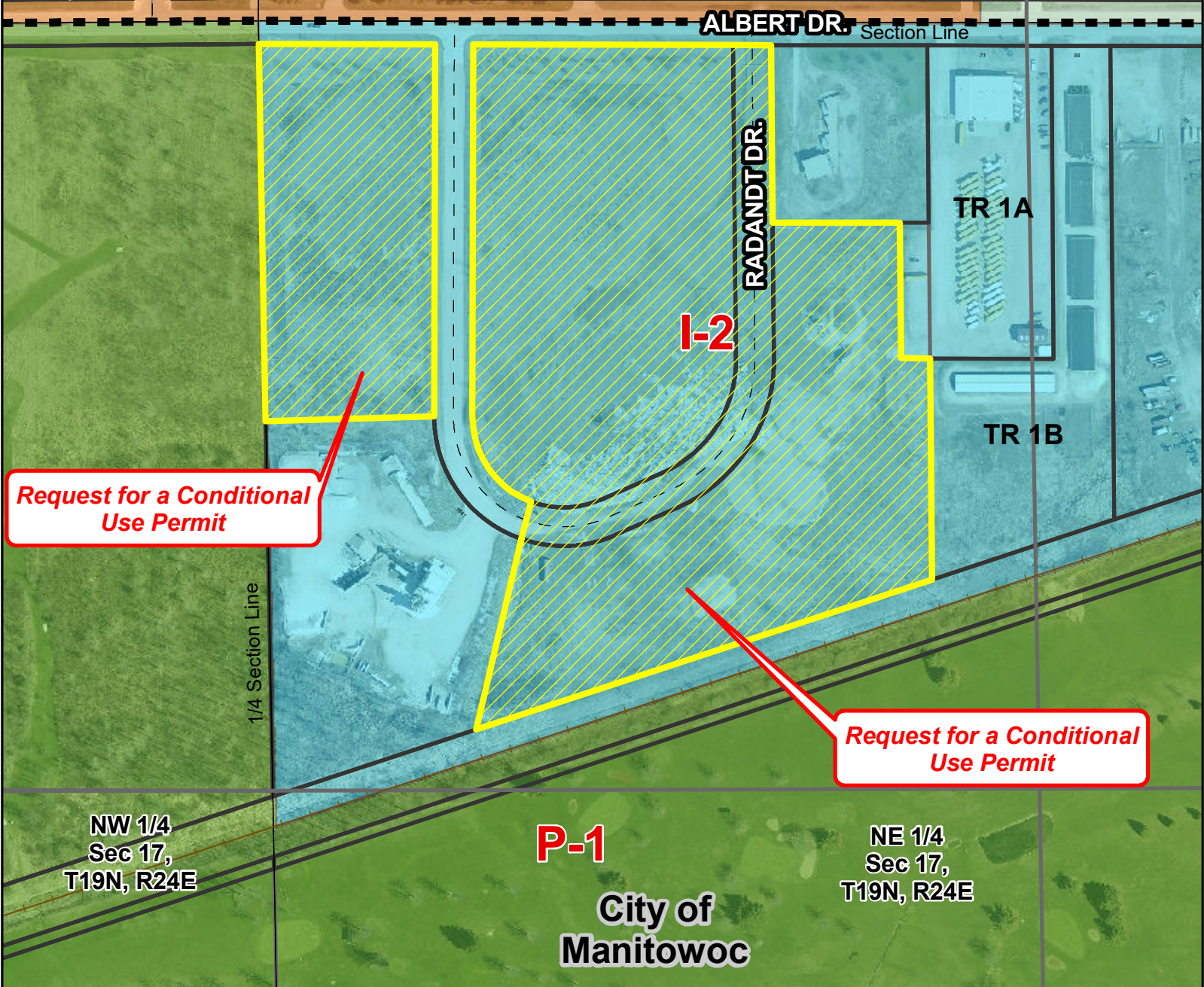
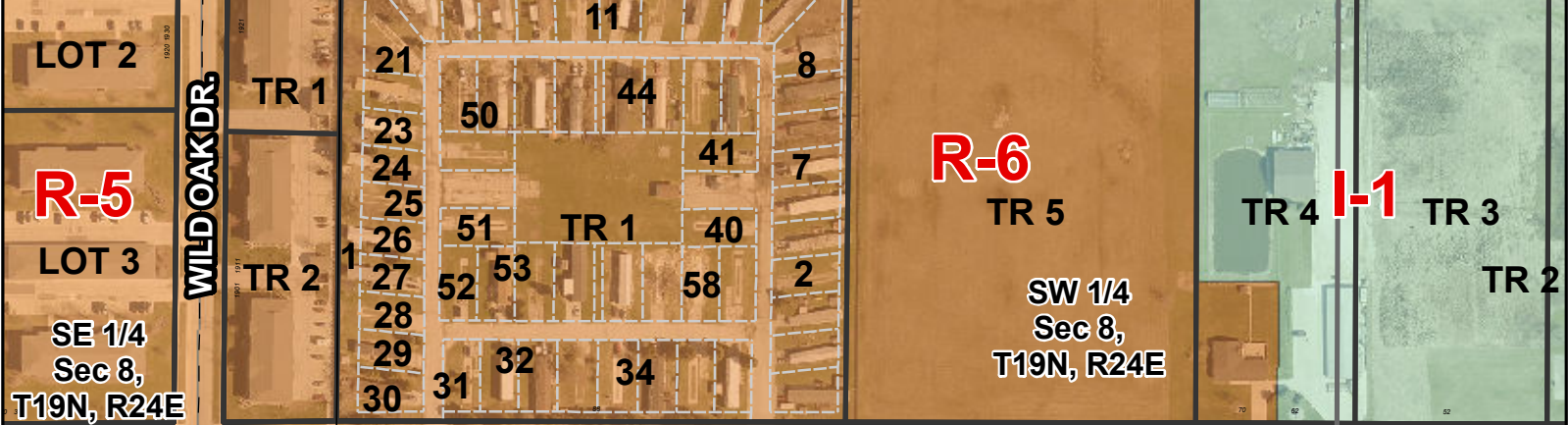
DISCLAIMER: Maps and associated data are believed to be accurate, but are not warranted. This information is not intended for legal, survey, or other related uses. Please obtain the original recorded documents for legal or survey information.

Prepared by City of Manitowoc
Community Development Department
www.manitowoc.org
Map Plotted: 8/19/2020

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PC 26-2020
Albert Drive

Manitowoc City Plan Commission



Request for a Conditional Use Permit

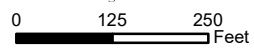
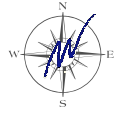
Request for a Conditional Use Permit

CONDITIONAL USE PERMIT

City of Manitowoc, WI

Area of Conditional Use Permit

PC 26-2020
Albert Drive



DISCLAIMER: Maps and associated data are believed to be accurate, but are not warranted. This information is not intended for legal, survey, or other related uses. Please obtain the original recorded documents for legal or survey information.

Prepared by City of Manitowoc
Community Development Department
www.manitowoc.org
Map Plotted: 8/19/2020

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Manitowoc City Plan Commission



VINTON CONSTRUCTION COMPANY...Road Contractors
An Equal Opportunity Employer
P.O. Box 1987
2705 N. Rapids Road
Manitowoc, WI 54221-1987
Office (920) 682-0375
Fax (920) 682-2838

July 29, 2020

Mr. Paul Braun
City of Manitowoc Planning Department
900 Quay Street
Manitowoc, WI 54220

RE: Conditional Use Request
Parcel # 05281710103300
19.331 Acres

Dear Mr. Braun:

Vinton Construction Company (VCC) is requesting a Conditional Use Permit for the above referenced property. The property is currently I-2 Heavy Industrial District. VCC is proposing to utilize the property for the following construction supportive activities:

- Topsoil screening and stockpiling storage area
- Recycled broken concrete pavement stockpile storage area
- Parking of equipment
- Use of portable crushing equipment
- Stockpiling of recycled crushed concrete aggregate.
- Use of a portable concrete batch plant

The property is currently owned by Michels Corporation/P&Q East of Winnebago LLC, who has agreed to allow VCC to submit this CUP request as a condition of the potential property acquisition. VCC has enclosed a check in the amount of \$250.00 for the Conditional Use Application fee.

The enclosed figure identifies the property boundary and the proposed locations of the stockpiles and potential locations of the portable concrete batch plant.

The historical use of the property has been the use for temporary concrete batch plants and the stockpiling of broken concrete and the subsequent crushing of such material. This recycled beneficial reuse aggregate material will be used for street and sewer reconstruction projects with the local area.

Legal Description:

That part of the NW 1/4 NE 1/4 SEC 17 T19N R24E Described in VOL 1703 PG 630 Except that part described in VOL 1886 PG 42. 19.3310 acres, Albert Drive, Manitowoc, WI 54220.

Current Property Owner:

Michels Corporation/ P&Q East of Winnebago LLC
817 Main Street
Brownsville, WI 53006
920-583-3132

Applicant:

Vinton Construction Company
2705 N. Rapids Road
Manitowoc, WI 54241
920-682-0375

If additional information on the proposed Conditional Use of the property is requested, please feel free to contact William R. Vachon R.S., at 920-374-0231 or email bvachon@vintonwis.com at your convenience.

Sincerely,



Michael J. Maples
President
Vinton Construction Company

ENC:



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An Equal Opportunity Employer
P.O. Box 1987
2705 N. Rapids Road
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Office (920) 682-0375
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August 13, 2020

Vinton Construction Company
Conditional Use Application – Albert Drive Property
Typical Proposed Operation Activities
Addendum Information

Topsoil Screening:

Hours: 6:00 am – 6:30 pm
Days Per Week: Monday – Friday
Saturday
7:00 am – 3:00 pm
Frequency of Operation: Typical operations would encompass plant operating potentially 12 times per year.
Operations are typically conducted during the construction season.
Employees: Two employees are expected to be utilized for the operation of the topsoil screening equipment and wheeled front-end loader.
Operation: Top soil and other overburden material obtained from construction projects will be stocked piled onsite and when a suitable amount of material is present, the portable screening equipment will be delivered and the material will be screened, removing wood, sod, stones, from the material. This screened material will be stock piled for future use on projects.

Portable Crushing Plant:

Hours: 6:00 am – 6:30 pm
Days Per Week: Monday – Friday
Saturday
7:00 am – 3:00 pm
Frequency of Operation: Typical operations would encompass plant operation potentially up to 12 times per year.
Operations are typically conducted during the construction season, although there is a potential for winter operation if material is needed for an early spring construction project.
Employees: Two employees are typically required to operate the material crushing equipment. Typical plant set up is portable jaw, and/or a portable cone or impactor and a tracked excavator and wheeled front-end loader.
Operation: Broken concrete and or asphalt from road improvement projects will be stockpiled at the property. When aggregate material is required or planned for an upcoming project, the portable crushing operation will be delivered and setup in the area identified in the attached figure. The broken concrete and or asphalt will be placed into the plant and will be processed to the aggregate size that is required for the project. This material will be tested and stockpiled for immediate or future use. This crushing operation allows for the recycling of the material rather than disposing of the material at a landfill.

Portable Concrete Batch Plant:

Hours: 6:00 am – 6:30 pm

Days Per Week: Monday – Friday
Saturday

7:00 am – 3:00 pm

Frequency of Operation: Typical operations would encompass plant operation during the typical traditional construction season. Usage is dependent on the concrete project activity in any given year.

Employees: Two to three employees are required to operate the portable concrete batch plant operation.

Operation: The concrete operation will be very similar to the existing Carew concrete operation located immediately to the west of the property. Aggregate and sand material will be stockpiled onsite. The sand and aggregate material is placed into feed hoppers and then mixed with cement and water within the mixing drum. When mixing is completed, the concrete is batched dumped directly into a truck for immediate delivery to the job site. An aerial photograph of an existing portable plant operation has been attached for your reference.

ALBERT DRIVE PROPERTY



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Author:
Date Printed: 7/29/2020



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EXHIBIT A

A parcel of land located in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 17, Township 19 North, Range 24 East, in the City of Manitowoc, Manitowoc County, Wisconsin, and described as follows:

Commencing at the North $\frac{1}{4}$ corner of said Section 17; thence South $01^{\circ} 03' 40''$ East (recorded as South $00^{\circ} 16' 14''$ East) along the $\frac{1}{4}$ Section line 40.00 feet to the South right-of-way of East Albert Drive, the point of real beginning; thence continue South $01^{\circ} 03' 40''$ East along said $\frac{1}{4}$ Section line 652.58 feet; thence South $89^{\circ} 51' 56''$ East, 289.97 feet (recorded as South $89^{\circ} 00' 00''$ East, 289.06 feet) to the West right-of-way of Radandt Road; thence South $00^{\circ} 08' 04''$ West along said right-of-way 20.87 feet to the point of curvature of a 198 foot radius right-of-way curve to the left; thence Southeasterly along the arc of said curve 274.54 feet; (chord South $39^{\circ} 35' 16''$ East, 253.07 feet (recorded as South $38^{\circ} 43' 20''$ East, 253.07 feet)); thence South $14^{\circ} 40' 37''$ West 327.04 feet (recorded as South $15^{\circ} 17' 30''$ West 326.16 feet) to the Northerly right-of-way of the Wisconsin Central Railroad; thence North $71^{\circ} 49' 34''$ East (recorded as North $72^{\circ} 37' 00''$ East) along said right-of-way 831.91 feet; thence North $00^{\circ} 51' 57''$ West (recorded as North) 613.30 feet; thence North $89^{\circ} 51' 56''$ West 270.00 feet; thence North $00^{\circ} 51' 57''$ West 310.00 feet to said South right-of-way of East Albert Drive; thence North $89^{\circ} 51' 56''$ West (recorded as North $89^{\circ} 00' 00''$ West) along said right-of-way 886.87 feet to the point of real beginning.

EXCEPT Radandt Drive as conveyed to the City of Manitowoc by Quit Claim Deed recorded in Volume 1335 of Records, page 550 as Document No. 825346.

ALSO EXCEPTING that certain parcel conveyed by Warranty Deed recorded in Volume 1886 of Records, page 42 as Document No. 947433.

For informational purposes only

Property Address: Vacant land situated on East Albert Drive, Manitowoc, WI

Tax Key No.: 052-817-101-033.00



Paul Braun

From: Dirk Hausmann <whausman@michels.us>
Sent: Monday, August 03, 2020 11:13 AM
To: Jeff Dewane
Cc: Paul Braun; Michael Maples; Richard Lamers; Jeff Maples; Mike Woznick; Bill Vachon
Subject: RE: Authorization for Vinton to file CUP for the City of Manitowoc

Paul,

Vinton Construction is exploring the possibility of purchasing real estate in the City of Manitowoc from one of our subsidiaries. As part of their due diligence they are authorized to seek approval of a Conditional Use Permit that takes affect when they purchase the property. If you should need any further information, please do not hesitate to contact me.

Thank you.

Dirk

Dirk Hausmann, JD
Senior Real Estate Manager
Shareholder Services

office: 920.924.8732 | cell: 920.517.3097
whausman@michels.us
PO Box 128 | 817 Main Street | Brownsville, WI 53006



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From: Jeff Dewane <jdewane@vintonwis.com>
Sent: Monday, August 3, 2020 10:46 AM
To: Dirk Hausmann <whausman@michels.us>
Cc: pbraun@manitowoc.org; Michael Maples <mmaples@vintonwis.com>; Richard Lamers <rlamers@vintonwis.com>; Jeff Maples <jmmaples@vintonwis.com>; Mike Woznick <mwoznick1@vintonwis.com>; Bill Vachon <bvachon@vintonwis.com>
Subject: Authorization for Vinton to file CUP for the City of Manitowoc

Good morning Dirk,

Paul Braun, City Planner for the City of Manitowoc would like an email and/or letter from you authorizing Vinton Construction Company to file for the CUP on the Albert Drive, Manitowoc property.

Paul is copied on this email so you can reply directly and copy Vinton.

Thank you,

Jeff.