Planning & Zoning Committee Agenda

Neal Czaplewski, Chairman
Larry Lettow
Keith Nielsen
Philip Peterson
Joseph Greeter
William Korducki
James Luedeke

32288 Bushnell Road / Burlington WI 53105 — February 12, 2026 / 6:30PM

Notice is hereby given that a meeting of the Planning and Zoning Committee of the Town of Burlington will be held on **Thursday, February 12, 2026 at 6:30 PM** at the Burlington Town Hall, 32288 Bushnell Road, Burlington, Racine County, Wisconsin.

If you would like to join via conference call, **please call 701.802.5429** and use **Access Code #6330779.**

1. Call to order,
   a. Roll Call
   b. pledge to the flag
   c. Verification of Posting

2. Approval of the minutes for the Planning & Zoning Committee meeting held on January 8, 2026
   Action: *Approve/Deny*

3. Conceptual Land Division
   a. Petitioner/Owner: Kurt Petrie
   Parcel: 002-03-19-350-07-000 and 002-03-19-260-09-000
   29286 Durand Ave
   Action: *Discussion Only*

4. Conditional Use
   a. Petitioner/Owner: Cretex Materials
   Parcel: 002-02-19-04-006-000
   30561 Bushnell Rd
   Action: *Discussion and possible recommendation*

5. Plan Commission Ordinance Update
   Action: *Discussion and possible recommendation*

6. Adjournment

Rachel Naber, Deputy Clerk
05 February 2026

- Agenda is subject to change
- Discussion and action may occur on any agenda item
- All meetings are subject to the Open Meetings law and will be recorded
- If you are disabled and have accessibility needs or need information interpreted for you, please call Town Office at 262.763.3070 at least 24 hours to the meeting
- Limited citizen comments on agenda items will be allowed at the discretion of the chairman/acting chairman as they are announced before board discussion.

Planning & Zoning Committee Meeting

Neal Czaplewski, Chairman
Larry Lettow
Keith Nielsen
Philip Peterson
Joseph Greeter
William Korducki
James Luedeke

32288 Bushnell Road / Burlington WI 53105 January 8, 2026

Call to order, pledge to the flag and roll call
Chairman Neal Czaplewski called the meeting of the Plan Commission to order at 6:30PM. The meeting was held in the auditorium of the Town Hall at 32288 Bushnell Road, Burlington. Everyone in attendance stood and recited the pledge to the flag.

In attendance were: Czaplewski, Larry Lettow, Keith Nielsen, Joe Greeter, Bill Korducki, and Jim Luedeke. Phil Peterson was absent.

Verify posting of meeting
The meeting was properly posted.

Approval of the minutes for the Planning & Zoning Committee meeting held on November 6, 2025 and November 13, 2025

Korducki noted a minor correction to the first paragraph of Item three in the November 6th minutes. Lueduke motioned to approve the minutes. The motion was seconded Lettow. Motion carried 6 to 0.

Land Division: Petitioner/Owner: Keri Brinkman / Parcel: 002-03-19-20-002-020, Maple Lane
Rezone: Petitioner/Owner: Keri Brinkman / Parcel: 002-03-19-20-002-020 / Maple Lane

Bryce Hembrook, SEH, reviewed his report. He did not have any concerns with the applications.

Robert Wielgos, raSmith, CSM is updated per technical comments to surveyor. His recommendation is approval.

The committee discussed the applications with Jonathan Schattner, petitioner, and Hembrook and Wielgos.

Korducki motioned to approve land division as proposed; Greeter seconded. Motion carried 6-0.

Korducki motioned to approve the rezone from A1 to A2 as proposed; Greeter seconded. Motion carried 6-0.

Plan Commission Ordinance Update
Administrator Naber spoke about the Town's ordinance, which is outdated as compared to state statute. The committee discussed the updates. Korducki suggested to include a Village of Rochester representative in section 2.12.030. The town would like to receive all suggestions by January 29th.

Adjournment
Lettow motioned to adjourn at 6:43PM; Greeter seconded. Motion carried unanimously.

Respectfully submitted,
Jeanne Rennie, Clerk

DRAFT

Town of Burlington
32288 Bushnell Road · Burlington, WI 53105
Phone: (262) 763-3070 x102 · **Fax:** (262) 763-2118
E-Mail: office@townofburlington.com/www.TownofBurlington.com

Application for Conceptual Land Division

Petitioner's Name	Kurt Petrie	Owner, if different	
Address	30614 Durand Av	Address	
Phone	262 716 4003	Phone	
Email	kpetrie@ldr usa.com	Email	

Address of property	29826 Durand Ave Burlington, WI 53105
Tax key number	
Current zoning	A-2
Current land use designation *If proposed use is not conforming also apply for LAND USE VARIANCE*	Residential unsewered

Reason for Land Division and Future Usage Create residential lots

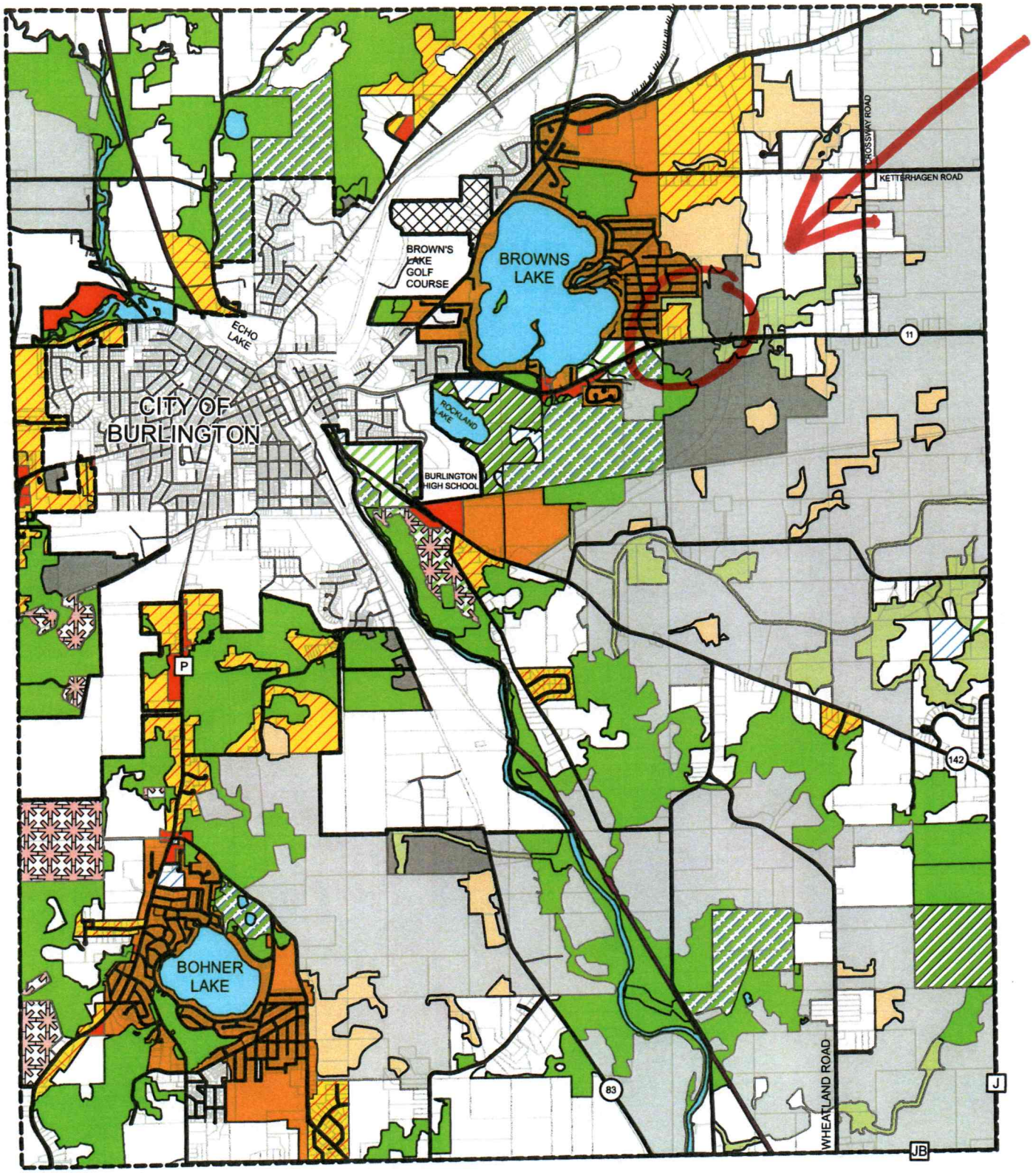
Please provide 16 copies of:
- Certified Survey Map with location of Soil Evaluation and existing buildings
- Soil Evaluation test results (If not in a sewered district)
- Platt Map with property location identified

Fees payable to the **Town of Burlington**
$200 Application fee
* $1,500 Professional fee payment deposit
**$150 for sign – *must be posted 3 weeks prior to meeting date.*

Date Paid		Check #	
Meeting		Amount	

*Professional fee deposit will be refunded less any fees incurred to the Petitioner unless otherwise noted. Engineering and legal review will be billed at amount charged to Town of Burlington
**Sign deposit will be refunded once sign is returned in good condition to the Petitioner unless otherwise noted.

TOWN OF BURLINGTON 2050 LAND USE MAP



Legend

Municipal Boundaries

Parcel Boundaries

Existing Land Use

- RESIDENTIAL-SEWERED (25,000 SQUARE FEET TO 1.49 ACRES PER DWELLING UNIT)
- RESIDENTIAL-UNSEWERED (1.5 TO 4.99 ACRES PER DWELLING UNIT)
- AGRICULTURAL ESTATE (5.0 ACRES OR MORE PER DWELLING)
- COMMERCIAL
- INDUSTRIAL
- STIPULATION AREA (TO BE ANNEXED TO THE CITY OF BURLINGTON IN THE FUTURE)
- GOVERNMENTAL AND INSTITUTIONAL
- PARK AND RECREATION
- PRIMARY ENVIRONMENTAL CORRIDOR
- PRIMARY ENVIRONMENTAL CORRIDOR WITHIN PUBLIC PARK PROPERTY
- PRIMARY ENVIRONMENTAL CORRIDOR WITHIN GOVERNMENT PROPERTY
- SECONDARY ENVIRONMENTAL CORRIDOR
- AGRICULTURAL PRESERVATION
- EXTRACTIVE
- ISOLATED NATURAL RESOURCE AREA
- TRANSPORTATION, COMMUNICATION, AND UTILITIES
- SURFACE WATER
- STREETS AND HIGHWAYS

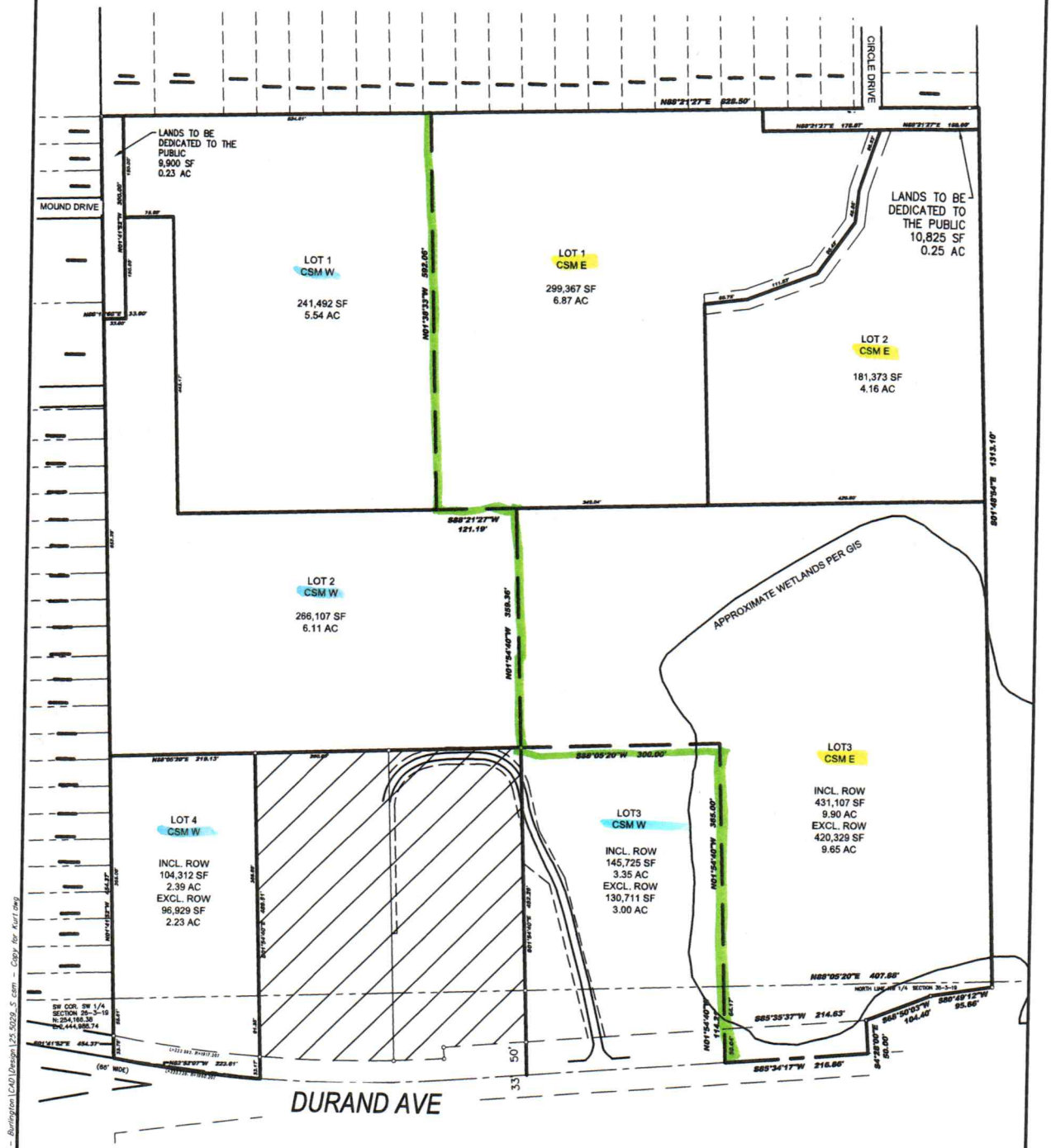
N W E S

0 0.5 1 2 Miles

January 8, 2026

CONCEPT MAP

Survey No. 25.5029



LYNCH & ASSOCIATES
ENGINEERING CONSULTANTS, LLC
5000 S. TOWNE DRIVE, SUITE 160
NEW BERLIN, WI 53151
440 MILWAUKEE AVENUE
BURLINGTON, WI 53105
(262) 402-5040

0' 150'

SCALE: 1" = 150'

P:\Shared\1 - Projects\2025\25.5029 -Kurt Petre - 3 parcels - Burlington\CAD\Design\25.5029_S.csm - Copy for Kurt.dwg

January 8, 2026

CONCEPT MAP

Survey No. 25.5029



LYNCH & ASSOCIATES
ENGINEERING CONSULTANTS, LLC
5000 S. TOWNE DRIVE, SUITE 160
NEW BERLIN, WI 53151
440 MILWAUKEE AVENUE
BURLINGTON, WI 53105
(262) 402-5040

0' 150'

SCALE: 1" = 150'

P:\Shared\1 - Projects\2025\25.5029 -Kurt Petrie - 3 parcels - Burlington\C40\Design\25.5029_S csm - Copy for Kurt.dwg

raSmith

CREATIVITY BEYOND ENGINEERING

R.A. Smith, Inc.
16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000 | rasmith.com

Planning & Zoning Commission Report for February 12, 2026

29286 Durand Avenue

Applicant:	Kurt Petrie
Project:	Residential Lot Creation
Requested Action:	None
Existing Zoning:	A-2
Location:	Parcel # 002-03-19-350-07-000 and Parcel # 002-03-19-260-09-000

Report

The applicant for the subject parcels has submitted an Application for Conceptual Land Division. The Land Division would divide parcel # 002-03-19-350-07-000 into four lots (CSM W), and it would divide parcel # 002-03-19-260-09-000 into three lots (CSM E). On CSM W, Lots 1 through 4 would be 5.54 acres, 6.11 acres, 3.35 acres, and 2.39 acres, respectively. On CSM E, Lots 1 through 3 would be 6.87 acres, 4.16 acres, and 9.65 acres, respectively.

The submitted conceptual CSM shows a wetland within Lot 3 of CSM E with a boundary that spans the entire Lot's frontage along Durand Avenue. The wetland also appears to consume over two-thirds of the proposed Lot, resulting in only the western leg of the lot being the only practicably developable space. This space appears to be landlocked – the presence of the wetland would make a driveway off Durand Avenue from the south infeasible, while the proposed Lots 1 and 2 within CSM E just north of Lot 3 do not appear to provide access accommodations. Provisions should be made to allow for Lot 3 access. If the property owner intends to provide cross access easements near the wetland boundary, a certified wetland delineation should be prepared in order to define the exact boundary of the wetland with respect to proposed easement boundaries.

Lots 1 and 2 within both CSM's are set adjacent to proposed right-of-way dedications at the dead ends of Mound Drive and Circle Drive. The proposed right-of-way areas are perpendicular to the existing rights-of-way on Mound Drive and Circle Drive, appear to be 33' in width, and appear extend into each of the four lots by at least 150 feet. The applicant should coordinate with the Town DPW and engineering to establish the optimal roadway dead end configuration for the purposes of winter maintenance, fire/EMS vehicles, school buses, garbage trucks, and larger delivery trucks. If the applicant wishes to eventually apply for an official land division with the Town, they should provide engineering plans for the proposed roadway dead ends to be reviewed by Town engineering & DPW. The engineering plans should consist of dimensioned paving plans, grading/drainage plans, and erosion control provisions.

Access to the remaining Lots (Lots 3 and 4 of CSM W) do not appear to be of concern. Lot 3 already has an access point off Durand Avenue, while the dead end cul-de-sac on Front Street could provide access to Lot 4. If not already in place, the CSM should include cross-access provisions for the existing parcels between Lots 3 and 4.

Staff Recommendation:

With this being a Conceptual Land Division Application, there is not a decision to be made by the committee at this time. However, if the applicant wished to pursue an official Land Division application, the following items should be addressed:

- Access provisions to Lot 3 of CSM E. This should include a wetland delineation if cross-access is proposed near the existing wetland boundary.
- Dedicated right-of-way off existing Town Roads should be coordinated with Town DPW and engineering to accommodate fire/EMS vehicles, winter maintenance, school bus pickup & drop-off, garbage pickup, and delivery trucks. Engineering plans should be submitted demonstrating that the dimensions of the dead ends fit this criteria, drainage is managed properly, and erosion control provisions included.
- Access to the existing parcels between Lots 3 and 4 of CSM W should be perpetuated via a cross access easement. This should be accounted for in the CSM.

Robert Wielgos, P.E.
February 5, 2026

SEH

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TOWN OF BURLINGTON PLANNING & ZONING COMMITTEE

TO: Planning & Zoning Committee
FROM: Bryce Hembrook, AICP
Town Planner
REPORT DATE: February 5, 2026
P&Z MEETING DATE: February 12, 2026

RE: **Kurt Petrie (30614 Durand Ave) – Conceptual Land Division**
SEH No. 188914, TASK 2

Applicant: Kurt Petrie
Property Owner: Kurt Petrie
Application Type: Conceptual Land Division
Location: Durand Avenue (PIN 002031926009000, 002031935007000)
Land Use Plan: Residential Unsewered (1.5 to 4.99 acres per dwelling unit) and Secondary Environmental Corridor
Existing Zoning: A-2 General Farming District II and R-4 Urban Residential District I (only 35' strip on far north side)

The following report is provided to the Planning & Zoning Committee for cursory review prior to action. Specifics relating to the submitted documents of this application may be referenced in the Committee's Packet.

Background

The applicant is requesting to subdivide two existing parcels into 7 total lots. The concept plan shows that the applicant is proposing two separate certified survey maps (CSM). In addition, the concept plan shows two areas proposed for future right-of-way dedication to the Town, most likely intended for a turnaround option for a future street. One connection is shown to the east of Mound Drive and the other connection is shown to the south of Circle Drive. For clarity, I will break down my analysis into two parts: CSM W and CSM E. The concept map shows CSM W 1-4 and CSM E 1-3. I will provide some background information as well as an initial analysis from a planning and zoning perspective. However, the applicant will need to provide some additional information for their future plans for these properties at the meeting.

CSM W Lots 1-4

This potential CSM shows four lots ranging from 2.23 acres to 6.11 acres. According to the concept plan, there are some wetlands located on the east side of Lot 3 (CSM W), but wetlands appear to be minimal. The majority of these proposed lots are zoned A-2 General Farming District II. There is a 35' strip of land along the north side of Lot 1 that is zoned R-4 Urban Residential District. The concept plan shows approximately 9,900 square feet of land proposed to be dedicated to the public.

CSM E Lots 1-3

This potential CSM shows three lots ranging from 4.16 acres to 9.65 acres. Lot 3 appears to have extensive wetlands on the site which covers approximately 64% of the (proposed) lot. Additionally, the location of the wetlands would essentially not allow for access to the buildable portion of the lot from Durand Avenue. Lot 3 would essentially be landlocked from a development perspective and would most likely require access easements to access the property. The majority of these proposed lots are zoned A-2 General Farming District II. There is a 35' strip of land along the north side of Lot 1 that is zoned R-4 Urban Residential District. The concept plan shows approximately 10,825 square feet of land proposed to be dedicated to the public.

Initial Thoughts/Comments on Concept Plan

- The proposed lots generally appear to meet Racine County zoning district requirements.
- The future land use map shows the majority of CSM W as being suitable Residential-Unsewered (1.5 acres to 4.99 acres). Lots 1 & 2 of the CSM W concept are 5.54 acres and 6.11 acres, respectively. Ideally, the proposed lots would be in the range specified (1.5 acres to 4.99 acres); however, the proposed size meets current zoning district requirements.
- The majority of CSM E is shown as Secondary Environmental Corridor in the future land use map. May want to discuss further with County to ensure there are no issues with this proposed land division.
- Lot 3 of CSM E has limited development potential and the developable area is located in the northwest portion of the property. An access easement would likely be required from a separate parcel to access this portion of the property.
- Is this the final lot layout the applicant is requesting or would there be future potential subdivision of land?
- Would the Town want to require/accept the dedicated land for right-of-way or would the Town recommend splitting the properties down the center of Mound Drive and Circle Drive?

Plan Commission Options

For discussion only.

Recommendation

None. This item was for discussion only.

Town of Burlington
32288 Bushnell Road · Burlington, WI 53105
Phone: (262) 763-3070 x102 · Fax: (262) 763-2118
E-Mail: office@townofburlington.com/www.TownofBurlington.com

Conditional Use or Renewal Application

Petitioner's Name	Cretex Materials, Inc.	Owner, if different	
Address	500 W Market St. Burlington, WI 53105	Address	30561 Bushnell Rd. Burlington, WI 53105
Phone	715-202-3254	Phone	
Email	CJKress@cretexmaterials.com	Email	

Address of property	30561 Bushnell Rd. Burlington, WI 53105
Tax key number	002-021904006000
Current zoning	A-2, B-3 , M-4
Current land use designation *May also need to apply for land use variance*	B-3

Reason for Conditional Use: To Expand To South West Corner

Please provide 16 copies of Current conditional uses (if renewal)

Fees payable to the Town of Burlington

$400 Application fee

* $1,500 Professional fee payment deposit

**$150 for sign – must be posted 3 weeks prior to meeting date.

*Professional fee deposit will be refunded less any fees incurred to the Petitioner unless otherwise noted. Engineering and legal review will be billed at amount charged to Town of Burlington

**Sign deposit will be refunded once sign is returned in good condition to the Petitioner unless otherwise noted.

Date Paid		Check #		Amount	
Meeting					



N

0 500 1000 Feet

SCALE: 1":500'
SHEET SIZE: 11 X 17

EXISTING PARCEL

WISCONSIN
RYAN W. CARDINAL
43346-6
LAKE GENEVA, WI
PROFESSIONAL ENGINEER

CLIENT

CRETEX Materials

WARRENVILLE QUARRY

TOWN OF BURLINGTON, RACINE COUNTY, WI

FIGURE 1 USGS TOPOGRAPHY & SITE LOCATION

PERMIT

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526 S WELLS STREET
LAKE GENEVA, WI 53147
262-757-8776
CARDINALENGINEERINGWI.COM

NO.	REVISION DESCRIPTION	REV DATE

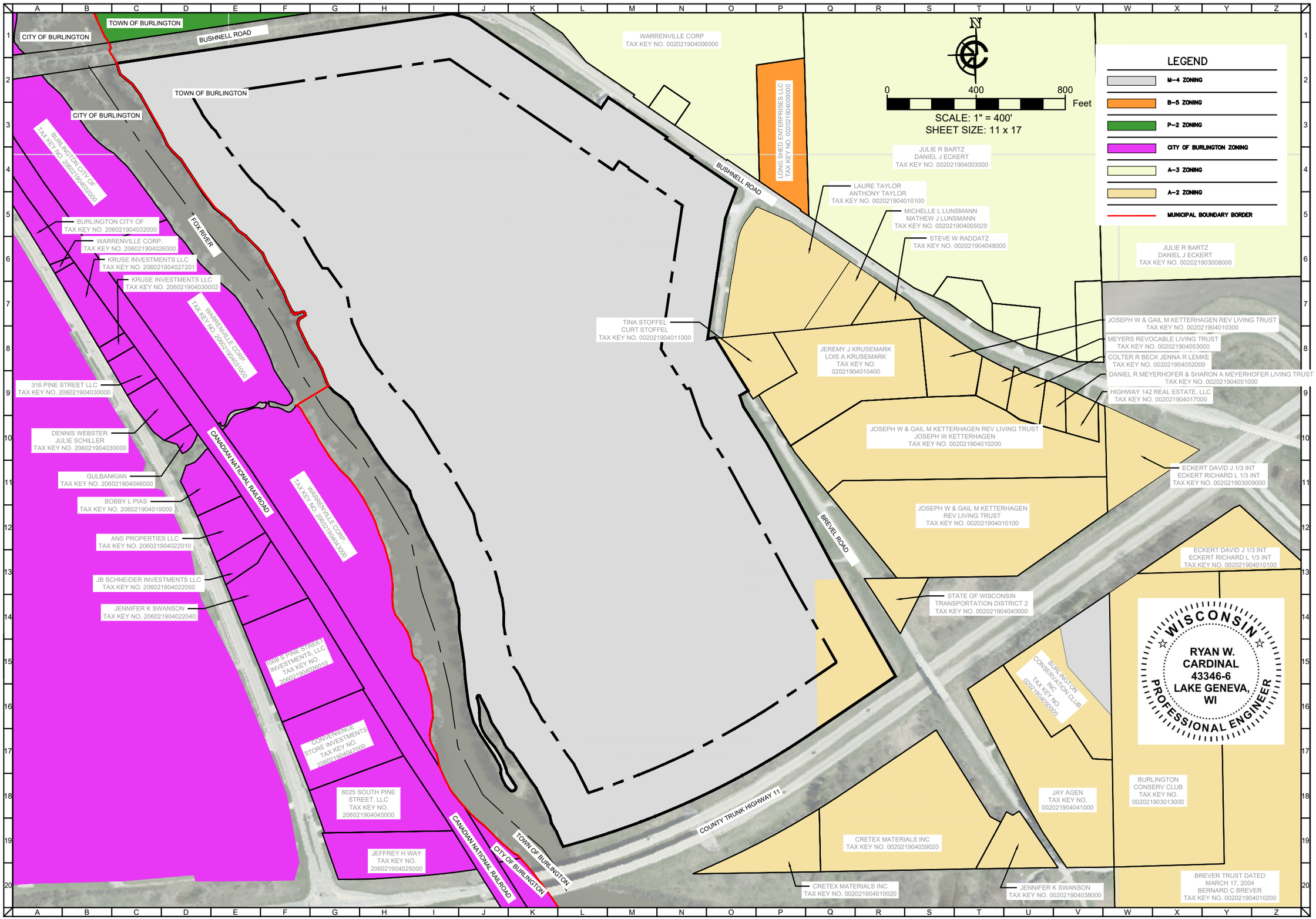
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DATE	02/04/2026
PROJECT MGR	BDP
DRAWN BY	SMV
DESIGNED BY	SMV

SHEET NUMBER

1 OF 10

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TOWN OF BURLINGTON, RACINE COUNTY, WI

FIGURE 2: ZONING MAP

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1200 LA SALLE STREET,
LAKE GENEVA, WI 53147
262-757-8776
PLANSURVEYENGINEER.COM

NO.	REVISION DESCRIPTION	REV DATE

SCALE	1" = 400'
PROJECT NUMBER	23664
DATE	02/04/2026
PROJECT MGR	RYAN CARDINAL, PE
DRAWN BY	EJO
DESIGNED BY	EJO

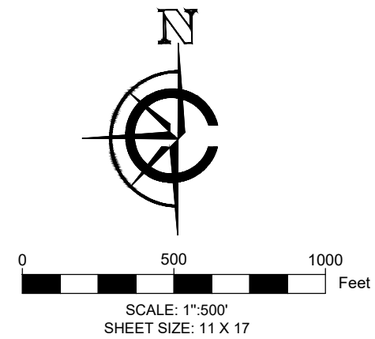
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SCALE: 1":500'
SHEET SIZE: 11 X 17

EXISTING PARCEL

MAP CREATED: JUNE 27, 2024

2022 PARCEL AND ROADS DATA - RACINE COUNTY OPEN DATA

2010 TOPOGRAPHY MAP OBTAINED VIA RACINE COUNTY OPEN DATA

AERIAL IMAGE SOURCE: PROVIDED BY CARDINAL ENGINEERING, AND SUPPLEMENTED WITH ESRI, MAXAR, GEOEYE, EARTHSTAR GEOGRAPHICS, CNES/AIRBUS DS, USDA, USGS, AEROGRID, IGN, AND THE GIS USER COMMUNITY POWERED BY ESRI

CRETEX MATERIALS
WARRENVILLE GRAVEL PIT
SECTION 4 TOWNSHIP 2 NORTH, RANGE 18 EAST
RACINE COUNTY, WI

WISCONSIN
RYAN W. CARDINAL
43346-6
LAKE GENEVA, WI
PROFESSIONAL ENGINEER

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CRETEX Materials

WARRENVILLE QUARRY

TOWN OF BURLINGTON, RACINE COUNTY, WI

PERMIT

FIGURE 3: AERIAL IMAGE

CARDINAL
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DESIGNING IN TRUE DIRECTIONS

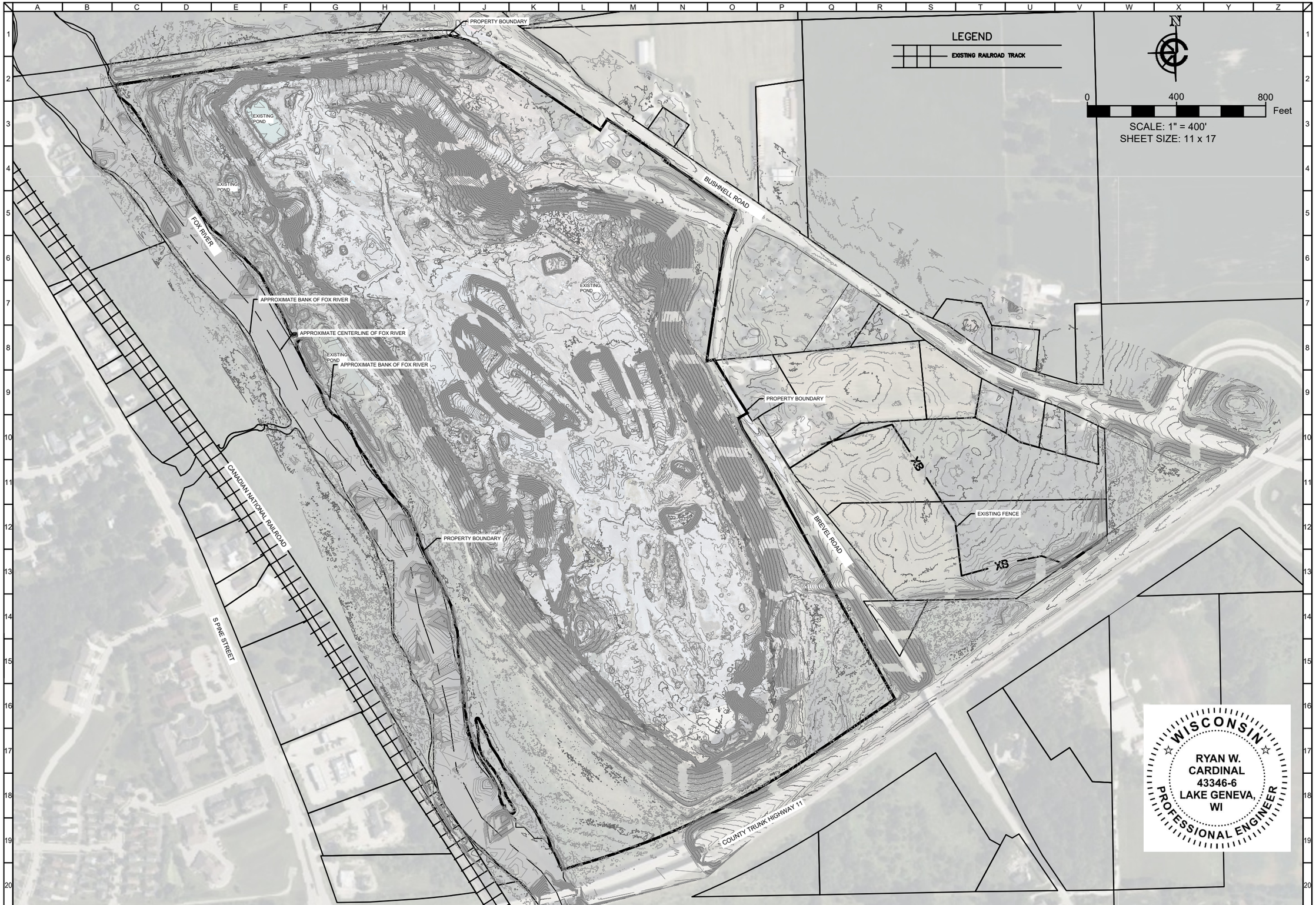
526 S WELLS STREET
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262-757-8776
CARDINALENGINEERINGWI.COM

NO.	REVISION DESCRIPTION	REV DATE

SCALE	1" = 500'
PROJECT NUMBER	23364
DATE	02/04/2026
PROJECT MGR	BDP
DRAWN BY	SMV
DESIGNED BY	SMV

SHEET NUMBER

3 OF 10



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WARRENVILLE QUARRY

TOWN OF BURLINGTON, RACINE COUNTY, WI

FIGURE 4: EX CONDITIONS

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LAKE GENEVA, WI 53147
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PLANSURVEYENGINEER.COM

WISCONSIN
RYAN W. CARDINAL
43346-6
LAKE GENEVA, WI
PROFESSIONAL ENGINEER

NO.	REVISION DESCRIPTION	REV DATE

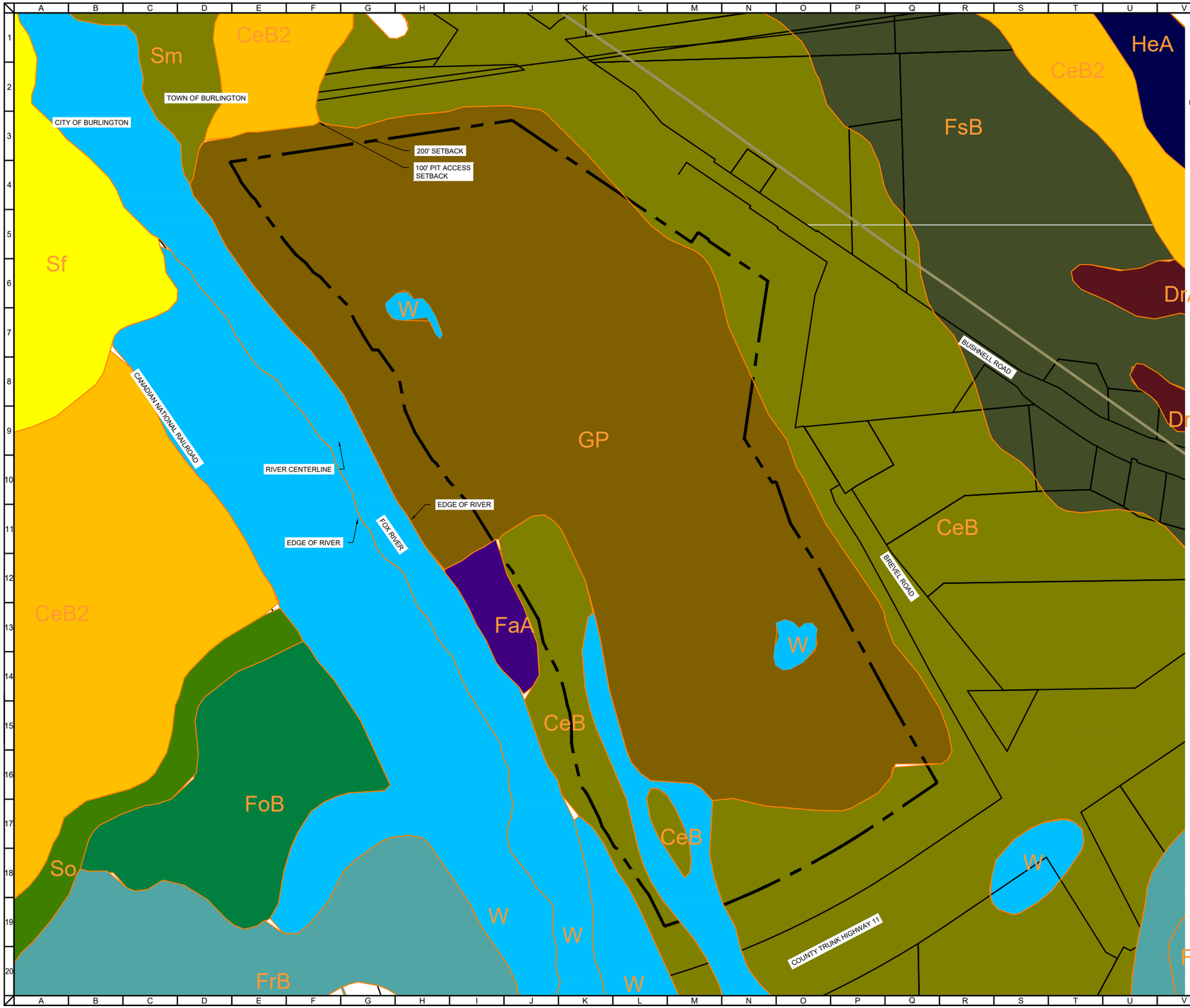
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DATE	02/04/2026
PROJECT MGR	RYAN CARDINAL, PE
DRAWN BY	EJO
DESIGNED BY	EJO

SHEET NUMBER

4 OF 10

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43346-6
LAKE GENEVA, WI
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WARRENVILLE QUARRY

TOWN OF BURLINGTON, RACINE COUNTY, WI

FIGURE 5: GIS SOILS MAP

PERMIT

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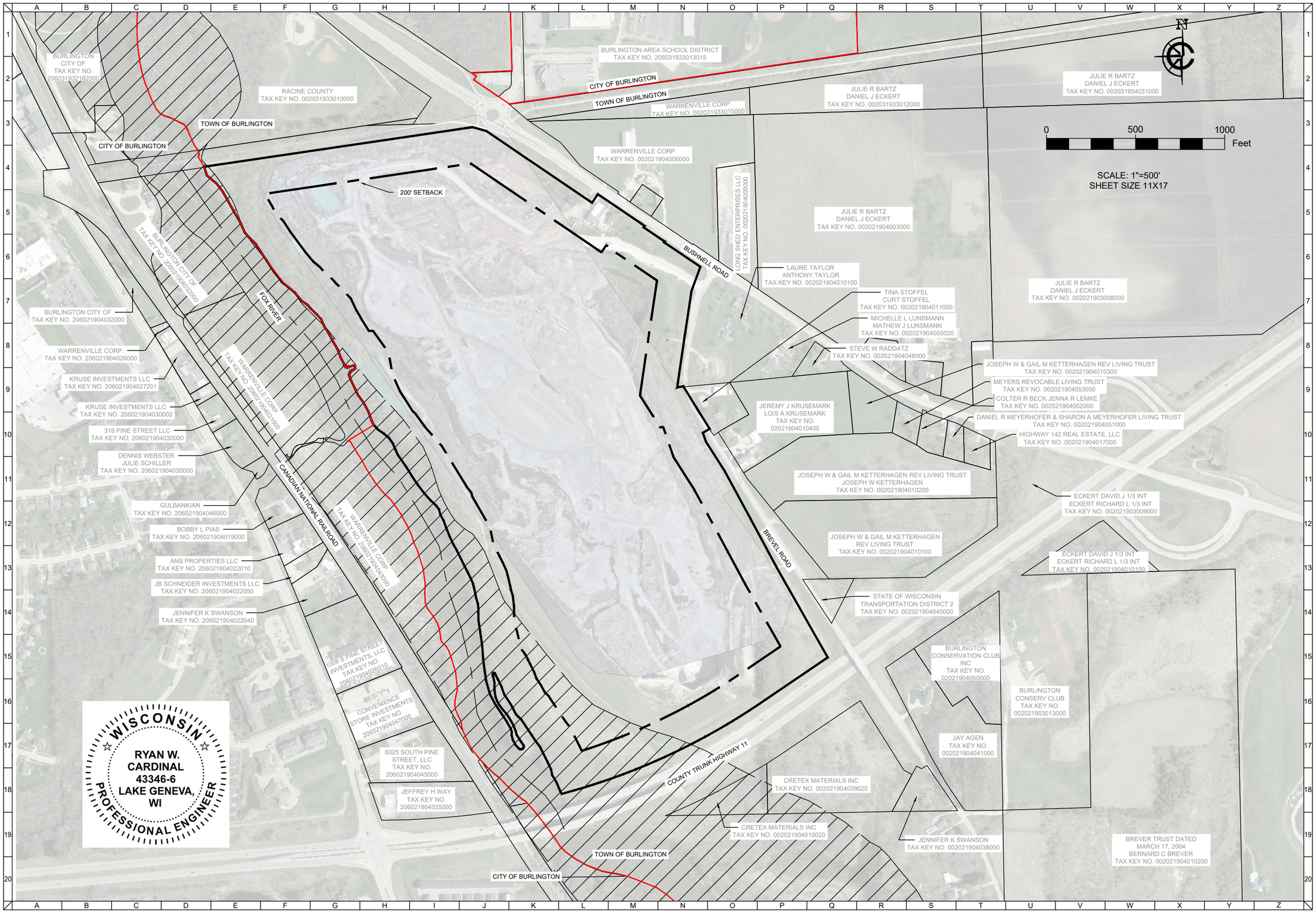
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PROJECT MGR	RYAN CARDINAL, PE
DRAWN BY	BDP
DESIGNED BY	BDP

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5 OF 10

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RYAN W. CARDINAL
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LAKE GENEVA, WI
PROFESSIONAL ENGINEER

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CRETEX Materials

WARRENVILLE QUARRY

TOWN OF BURLINGTON, RACINE COUNTY, WI

FIGURE 6: PROPERTY OWNERS WITHIN 3,000 FT

PERMIT

CARDINAL

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526 S WELLS STREET
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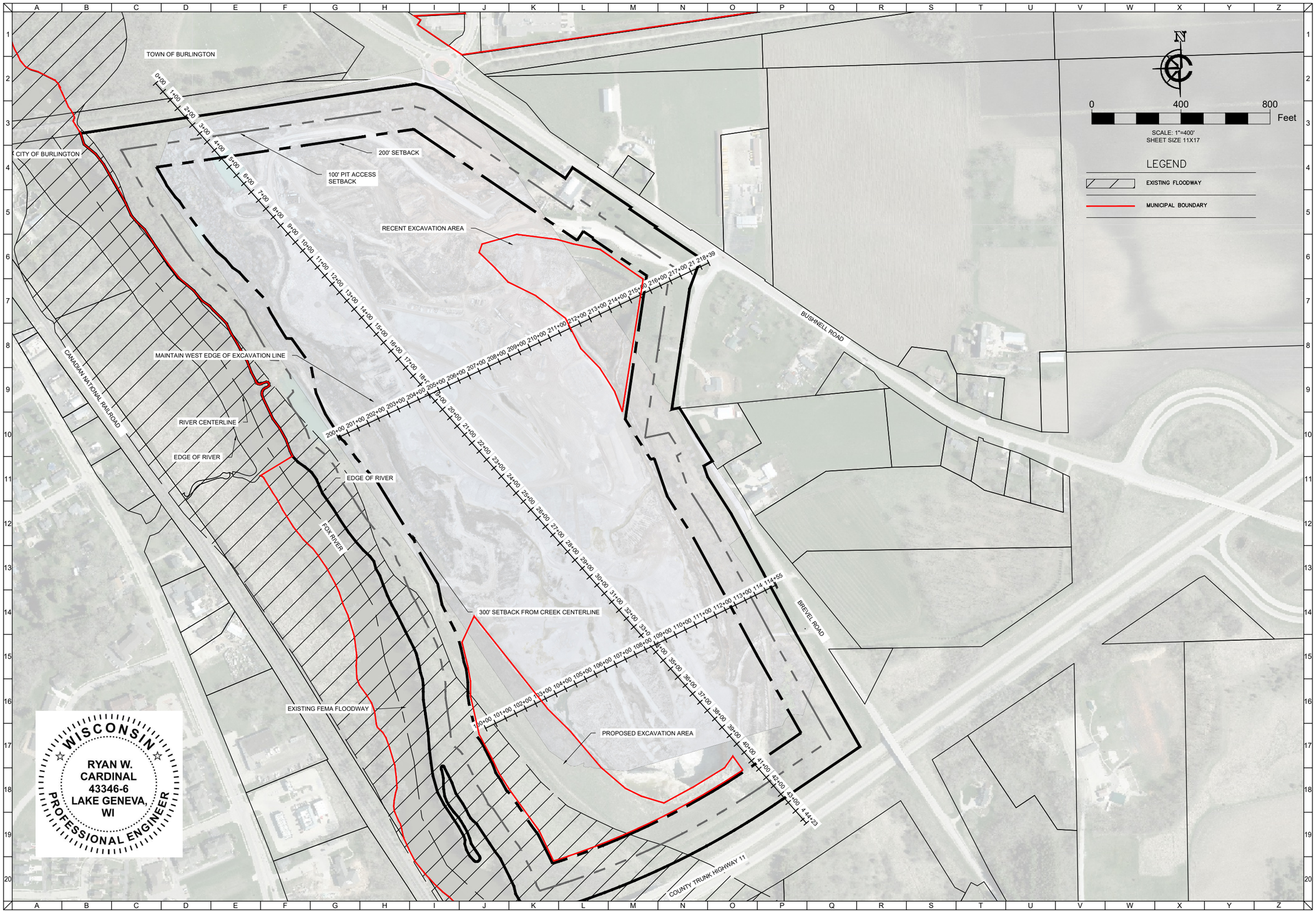
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DATE	02/04/2026
PROJECT MGR	RYAN CARDINAL, PE
DRAWN BY	EJO
DESIGNED BY	EJO

SHEET NUMBER

6 OF 10

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43346-6
LAKE GENEVA, WI
PROFESSIONAL ENGINEER

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CRETEX Materials

WARRENVILLE QUARRY

TOWN OF BURLINGTON, RACINE COUNTY, WI

FIGURE 7: SITE PLAN

PERMIT

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DATE	02/04/2026
PROJECT MGR	RYAN CARDINAL, PE
DRAWN BY	EJO
DESIGNED BY	EJO

SHEET NUMBER

7 OF 10

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43346-6
LAKE GENEVA, WI
PROFESSIONAL ENGINEER

CLIENT

CRETEX Materials

WARRENVILLE QUARRY

TOWN OF BURLINGTON, RACINE COUNTY, WI

FIGURE 8: RECLAMATION PLAN

PERMIT

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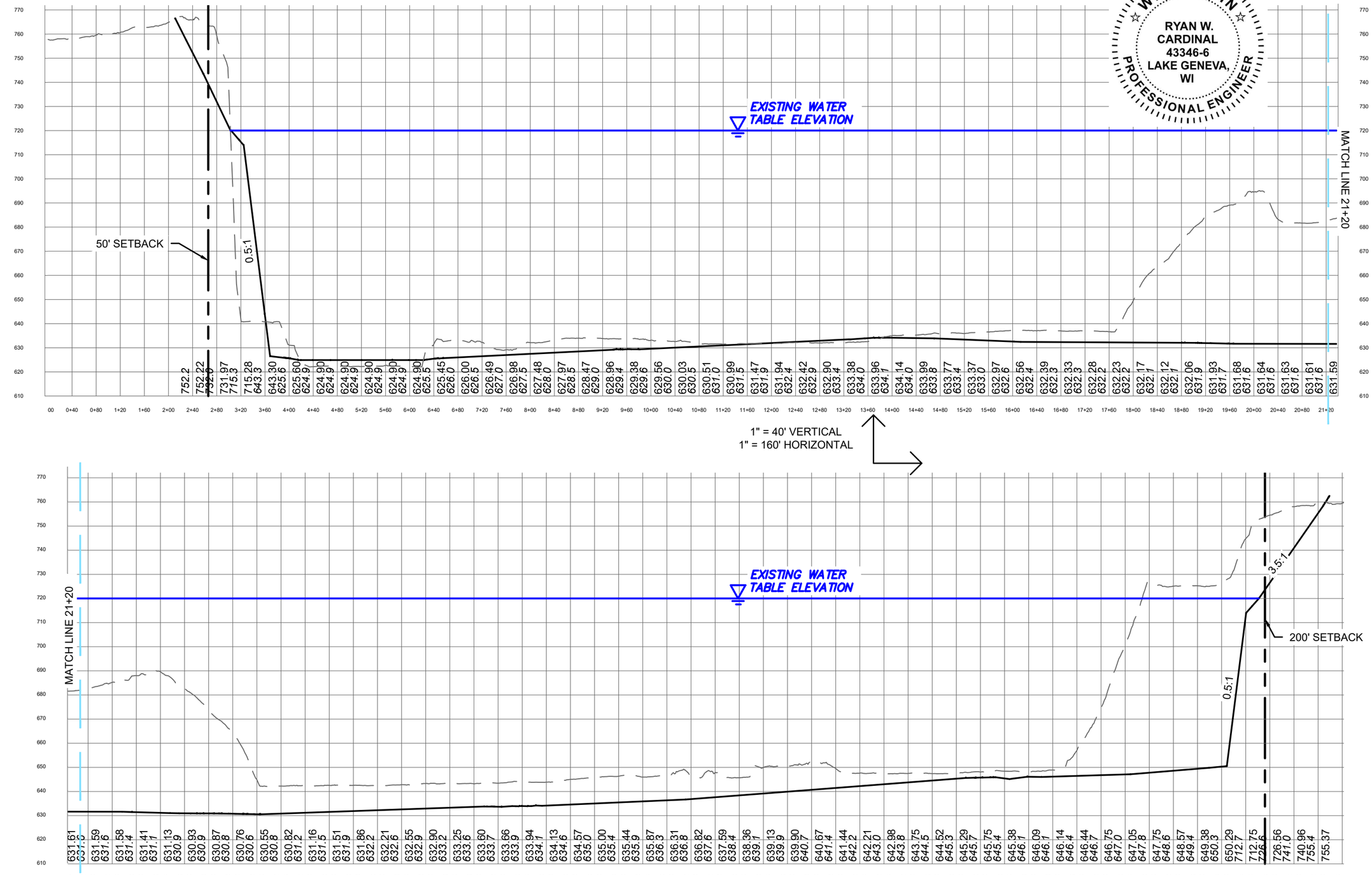
526 S WELLS STREET
LAKE GENEVA, WI 53147
262-757-8776
CARDINALENGINEERINGWI.COM

NO.	REVISION DESCRIPTION	REV DATE
1	MUNICIPAL REVIEW	08/08/2024

SCALE	1" = 500'
PROJECT NUMBER	23664
DATE	02/04/2026
PROJECT MGR	RYAN CARDINAL, PE
DRAWN BY	BDP
DESIGNED BY	BDP

SHEET NUMBER

8 OF 10



WISCONSIN
RYAN W. CARDINAL
43346-6
LAKE GENEVA, WI
PROFESSIONAL ENGINEER

CLIENT

CRETEX Materials

WARRENVILLE QUARRY

TOWN OF BURLINGTON, RACINE COUNTY, WI

FIGURE 9.1: CROSS SECTION

PERMIT

CARDINAL

CARDINAL
PLAN•SURVEY•ENGINEER
DESIGNING IN TRUE DIRECTIONS

526 S WELLS STREET,
LAKE GENEVA, WI 53147
262-757-8776
PLANSURVEYENGINEER.COM

NO.	REVISION DESCRIPTION	REV DATE

SCALE	1" = 40' VERTICAL 1" = 160' HORIZONTAL
PROJECT NUMBER	23664
DATE	02/04/2026
PROJECT MGR	RYAN CARDINAL, PE
DRAWN BY	BDP
DESIGNED BY	BDP

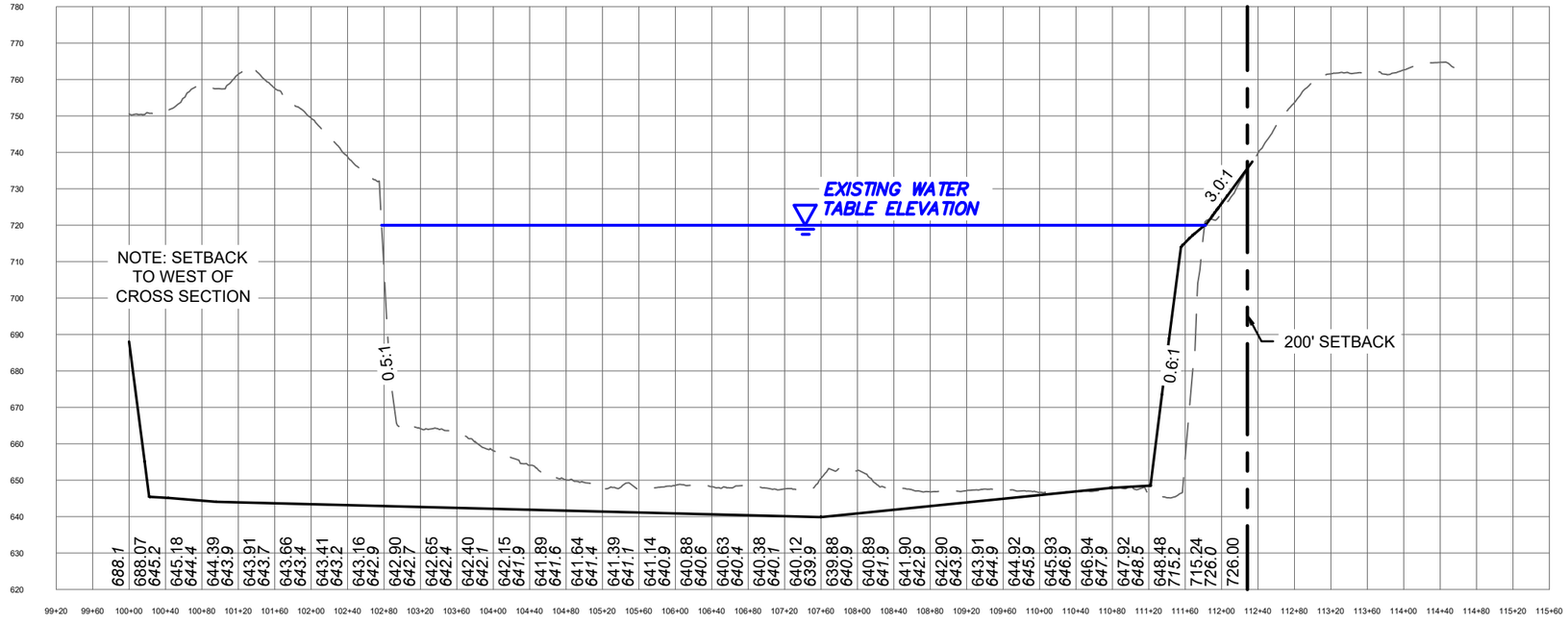
SHEET NUMBER

9 OF 10

FILE: G:\Shared drives\2021–2025 Projects\2023\23664– Warrenville Gravel Pit\DWG\SHEETS\CROSS SECTIONS.dwg

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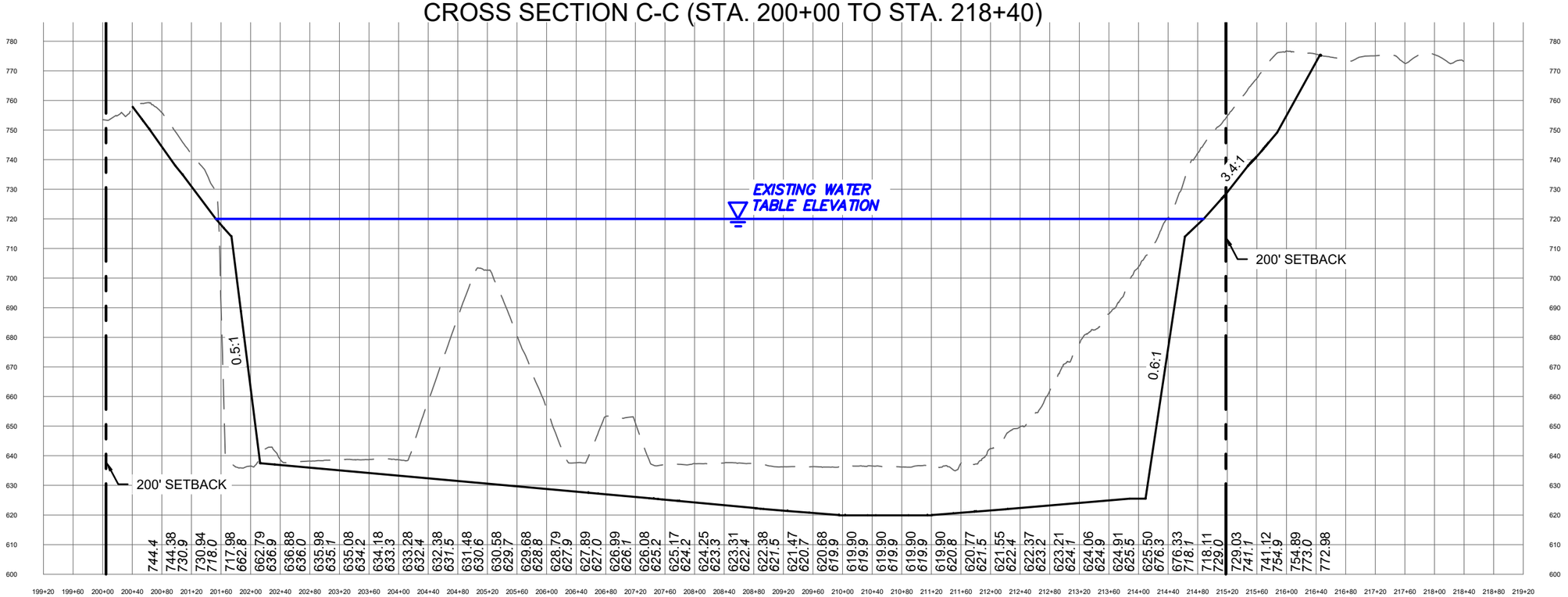
CROSS SECTION B-B (STA. 100+00 TO STA. 115+20)



1" = 40' VERTICAL
1" = 160' HORIZONTAL



CROSS SECTION C-C (STA. 200+00 TO STA. 218+40)



CLIENT

CRETEX Materials

WARRENVILLE QUARRY

TOWN OF BURLINGTON, RACINE COUNTY, WI

FIGURE 9.2: CROSS SECTION

PERMIT

CARDINAL
PLAN•SURVEY•ENGINEER
DESIGNING IN TRUE DIRECTIONS

526 S WELLS STREET,
LAKE GENEVA, WI 53147
262-757-8776
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NO.	REVISION DESCRIPTION	REV DATE

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SHEET NUMBER

10 OF 10

FILE: G:\Shared drives\2021–2025 Projects\2023\23664– Warrenville Gravel Pit\DWG\SHEETS\CROSS SECTIONS.dwg

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State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
225051 Rib Mountain Dr.
Wausau, WI 54401

Tony Evers, Governor
Karen Hyun, Ph.D., Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

October 12, 2025

IP-SE-2025-52-00185

Cretex Materials
Attn: Calvin Kress
500 West Market Street Bldg C
Burlington, WI 53105
[sent electronically]

RE: Application to create an artificial waterbody (pond) via nonmetallic mining in the Town of Burlington, Racine County, Wisconsin.

Dear Mr. Kress:

The Department of Natural Resources has completed its review of your application for a permit to create an artificial waterbody via nonmetallic mining located in the SW 1/4, NE 1/4, Section 4, Township 2 North, Range 19 East, Town of Burlington, Racine County. **You will be pleased to know your application is approved with conditions.**

I am attaching a copy of your permit, which lists the many important conditions that must be followed to protect water quality and habitat. A copy of the permit must be posted for reference at the project site. **Please read your permit conditions carefully so that you are fully aware of what is expected of you.**

Before you start your project, you must first obtain any permit or approval that may be required for your project by local zoning ordinances and by the U.S. Army Corps of Engineers. You are responsible for contacting these local and federal authorities to determine if they require permits or approvals for your project. These local and federal authorities are responsible for determining if your project complies with their requirements.

Please note you are required to submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Your next step will be to notify me of the date on which you plan to start construction and again after your project is complete.

If you have any questions about your permit, please call me at (715) 596-0110 or you can reach me by email at lane.loveland@wisconsin.gov.

Sincerely,

Lane Loveland
Water Management Specialist

Email CC:
- Tim Orlowski – USACE Project Manager Jennifer.m.hubert@usace.army.mil
- Brian Jensen – Racine Co Brian.Jensen@Racinecounty.com
- Samantha Goelzer – Cretex Materials
- Brandon Valerius – Cretex Materials (Corporate controller)
- Waterways/Wetland File

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

Nonmetallic mining PERMIT
IP-SE-2025-52-00185

Application of Calvin Kress (on behalf of Cretex Materials), is hereby granted under Sections Ch 30.19 and 30.208, Wisconsin Statutes, to create an unconnected artificial waterbody (pond) within 500' of the Fox River (WBIC 126200) via nonmetallic mining located in the NE 1/4, SW 1/4, Section 4, Township 2 North, Range 19 East, Town of Burlington, Racine County.

PERMIT

1. You must notify Lane Loveland at phone (715) 596-0110 or by email at lane.loveland@wisconsin.gov before starting construction and again not more than 5 days after the project is complete.

2. You must complete the project as described on or before October XX, 2033. This timeframe includes the original 3 year permit term as well as a 5 year extension (for a total of 8 years of authorization). **You are not eligible for another extension.** If your mining operation and reclamation will not be complete within that timeframe, you will need to begin a new application process at least **6 months in advance of the expiration date** to ensure you maintain continuous permit coverage.

3. This permit does not authorize any work other than what you specifically describe in your application and plans (pond area), and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must first obtain written approval of the Department.

4. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance, or permit compliance.

5. The Department may modify or revoke this permit for good cause, including if the project is not completed according to the terms of the permit or if the Department determines the activity is detrimental to the public interest.

6. You must post a copy of this permit at a conspicuous location on the project site, visible from the waterway, for at least five days prior to construction, and remaining at least five days after construction. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.

7. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood, and agreed to follow all conditions of this permit.

8. You must submit a series of photographs to the Department, within one week of completing work on the site. The photographs must be taken from different vantage points and depict all work authorized by this permit.

9. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section 30.292, Wis. Stats., for any violations of Chapter 30, Wisconsin Statutes, or this permit.

10. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters. Erosion control measures (such as silt fence and straw bales) must meet or exceed the technical standards of ch. NR 151, Wis. Adm. Code. The technical standards are found at: http://dnr.wi.gov/topic/stormwater/standards/const_standards.html.

11. All equipment used for the project including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps shall be de-contaminated for invasive and exotic viruses and species prior to use and after use.

The following steps must be taken every time you move your equipment to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested waters shall not be used on other non-infested waters.

1. **Inspect and remove** aquatic plants, animals, and mud from your equipment.
2. **Drain all water** from your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps.

3. **Dispose** of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.

4. **Wash your equipment** with hot (>140° F) and/or high-pressure water, - OR - Allow your equipment to **dry thoroughly for 5 days**.

INDIVIDUAL CONDITIONS: NON-METALLIC MINING

12. All stockpiles of gravel, spoils, strippings, or other material must be leveled or removed from the site upon completion of the project.

13. Equipment used must be of the type and in such operating condition as will minimize the loss of material and conform as nearly as practicable to the dimensions specified in the approved plans. Equipment must be of the type and size that can gain access to the site without unreasonable disruption of vegetation cover and aquatic or terrestrial habitat.

14. Islands may be created with excess overburden only upon the approval of the inspector. Islands which are created must have a five-foot horizontal to one-foot vertical (5) slope above the water and a three-foot horizontal to one-foot vertical (3) slope below the water or flatter. Islands with existing woody vegetation must be left intact except for backsloping, around the perimeters. All islands must be vegetated sufficiently to deter erosion and provide cover for wildlife.

15. The Department retains continuing jurisdiction in this matter and may enact other requirements as necessary to ensure project operations and final reclamation in a manner consistent with this permit to ensure the prevention of environmental pollution.

16. The disposal of equipment waste oils by letting them run out on the ground is prohibited by state law. All of the waste oils from equipment operating at this project site must be collected and removed to a recycling station.

17. The operator must have a copy of the permit and approved plans at the project site during construction and until stabilization has been completely approved by the Department.

18. **The permit may be revoked if the Department finds that your project does not conform to the conditions in this permit.** If you fail to comply with applicable laws and this permit, including failure to obtain a permit to expand or deviate from the approved plans, we may revoke this permit and order reclamation of excavated areas.

19. The pond's final shoreline must follow the outline as shown on the approved plans. The inspector may order appropriate shoreline modifications if needed. The final pond side slopes must be no steeper than three (3) foot horizontal to one (1) foot vertical, to a minimum 6-foot water depth.

20. The project must be limited to the dimensions and depths as indicated on the attached approved plans and the conditions of this permit. Progressive and final reclamation must be carried out according to the approved plans and the permit conditions. The boundary corners must be marked with iron stakes and flagged before commencing excavation.

21. This permit does not allow you to grade on the bank or dredge below the ordinary high water mark of any waterway under Section 30.19 or 30.20, Wisconsin Statutes, unless specifically outlined in the approved plans.

22. This waterway, as created under Section 30.19, Statues, is a public waterway. The public must be granted access for fishing of entrapped fish. However, the public access to the pond from the Fox River, as recorded in the declaration of restrictive covenant at the Racine County Register of Deeds office for Parcel Identification Number does not have to start until construction of the pond is completed. Upon completion of the pond's excavation and reclamation, you must establish and mark an easily usable public access from the Fox River to the pond site at the location designated in the restrictive covenant (unless other arrangements have been made with the Department). The department shall be provided a copy of this final recorded document within 30 days of the date of permit issuance, or the permit may be revoked.

23. You must allow free and unlimited access to your project site at any time to any Department employee who is investigating the project's construction, operation, or maintenance.

24. You must follow the seeding, fertilizing, and liming recommendations for reclamation of each completed section of the project. If vegetation sufficient to deter erosion is not established, the Department will require additional reclamation work in the form of seeding, mulching, and riprapping.

25. You must leave a buffer strip (screen) of unaltered existing vegetation between the excavation's edge and the Fox River as shown on the attached set of plans. This buffer strip (screen) must not be excavated, used for roads, or disturbed in any manner.

26. You must not deposit or store any removed materials in any wetland or below the ordinary high-water mark of any waterway. You must place all removed materials out of the floodway of any stream.

27. You must not place any salvaged demolition material, concrete, blacktop, or other types of waste material at this project site unless you have written approval from the Solid Waste Specialist.

28. You must not stockpile or temporarily store any material on the riverbed or in the floodplain unless you have obtained approval under s. 30.12, Statutes, Chapter NR 115, and NR 116, Wisconsin Administrative Codes, and any local floodplain zoning ordinance. All excavated or scraped material must be moved off the project site to an upland area unless the stockpiling was specifically approved in the project operation plan.

29. You must obtain the Nonmetallic Mining Operations WPDES General Permit (No. WI-0046515-07). To obtain information on WPDES permits, you can visit https://dnr.wisconsin.gov/topic/Stormwater/conctacts.html.

30. You must stabilize all banks and drainages to navigable waterways prior to and during the project operations. Drainages must be filtered where necessary to prevent siltation and water turbidity. You must place riprap, silt screening, rock or straw bale check dams, filter cloth, mulch, or any other material as necessary to deter erosion and siltation of navigable waters.

31. **You must submit a surety bond or other security in the amount of $477,050** (94 Acres x $5,075 per acre), payable to the State of Wisconsin Department of Natural Resources. You must receive approval from the Department before beginning work on this project. If a surety bond is submitted, it must be on the attached bond form. Before submitting, the original of the attached bond form must be signed, sealed, and dated by all parties. This bond must be submitted to the Department at:

Wausau Service Center (WI DNR)
Attn: Lane Loveland
225051 Rib Mountain Drive
Wausau, WI 54401

FINDINGS OF FACT

1. Calvin Kress (on behalf of Cretex Materials), 500 West Market Street Bldg C, Burlington, WI 53105, filed an application with this Department on 01/07/2025, under sections Ch 30.19 and 30.208, Wisconsin Statutes, to create an artificial waterbody (pond) within 500' of the Fox River (WBIC126200) via nonmetallic mining located in the SW 1/4, NE 1/4, Section 4, Township 2 North, Range 19 East, Town of Burlington, Racine County, Wisconsin.

2. The Warrenville Quarry is an existing operating mine site that has been in operation since 1965. The operation is now obtaining a chapter 30 permit to create an unconnected artificial waterbody (pond) within 500' of the Fox River. Once mining is completed the site will result in a large pond approximately 90 feet deep and approximately 94 Acres in size. There are no proposed wetland impacts. The site is located within the floodplain. Once the site is fully reclaimed, the site is proposed to be converted into a County Park (Racine County) for public recreation and fishing purposes. The site will meet statewide reclamation standards.

3. The Department has evaluated the project as described in the application and plans.

4. The Fox River is a navigable waterbody, with the Waterbody Identification Code (WBIC) of 126200.

5. The proposed project, if constructed in accordance with this permit will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.

6. The proposed project will not impact wetlands if constructed in accordance with this permit.

7. The Department of Natural Resources has determined that the agency's review of the proposed project constitutes an integrated analysis action under s. NR 150.20(2), Wis. Adm. Code. The Department has considered the impacts on the human environment, alternatives to the proposed projects and has provided opportunities for public disclosure and comment. The Department has completed all procedural requirements of s. 1.11(2)(c), Wis. Stats., and NR 150, Wis. Adm. Code for this project.

8. The Department of Natural Resources and the applicant have completed all procedural requirements, and the project as permitted will comply with all applicable requirements of Sections 30.208, 30.19 , Wisconsin Statutes and Chapters NR 102, NR 103 & NR 340 of the Wisconsin Administrative Code.

10. The activity will not be detrimental to the public interest because the pond is unconnected from the Fox River. After the site is fully reclaimed it will be transitioned into a County Park for the public benefit of recreation and fishing.

12. The activity will not cause environmental pollution as defined in s. 299.01(4).

14. Dredging/Ponds/Enlargements: No material injury will result to the riparian rights of any riparian owners of real property that abuts any water body that is affected by the activity.

CONCLUSIONS OF LAW

1. The Department has authority under the above indicated Statutes and Administrative Codes, to issue a permit for the construction and maintenance of this project.

2. The Department has complied with s. 1.11, Wis. Stats.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.
To request a contested case hearing of any individual permit decision pursuant to section 30.209, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources, P.O. Box 7921, Madison, WI, 53707-7921. The petition shall be in writing, shall be dated and signed by the petitioner, and shall include as an attachment a copy of the decision for which administrative review is sought. If you are not the applicant, you must simultaneously provide a copy of the petition to the applicant. If you wish to request a stay of the project, you must provide information, as outlined below, to show that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment. If you are not the permit applicant, you must provide a copy of the petition to the permit applicant at the same time that you serve the petition on the Department.
The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.
A request for contested case hearing must meet the requirements of section 30.209, Wis. Stats., and sections NR 2.03, 2.05, and 300.09(5), Wis. Admin. Code, and if the petitioner is not the applicant the petition must include the following information:

1. A description of the objection that is sufficiently specific to allow the department to determine which provisions of this section may be violated if the proposed permit or contract is allowed to proceed.
2. A description of the facts supporting the petition that is sufficiently specific to determine how the petitioner believes the project, as proposed, may result in a violation of Chapter 30, Wis. Stats.

3. A commitment by the petitioner to appear at the administrative hearing and present information supporting the petitioner's objection.

If the petition contains a request for a stay of the project, the petition must also include information showing that a stay is necessary to prevent significant adverse impacts or irreversible harm to the environment.

Dated at Wausau service center, Wisconsin on October 12, 2025

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By:

Lane Loveland

Lane Loveland
Water Management Specialist

Racine County
WISCONSIN

Public Works & Development Services
14200 Washington Avenue
Sturtevant, WI 53177
262-886-8440
fax: 262-886-8480

September 17, 2024

Cretex Materials, Inc.
500 Market Street
Burlington, WI. 53105

Warrenville Corporation
30561 Bushnell Road
Burlington, WI 53105

SUBJECT: Conditional Use to expand the Warren Quarry (non-metallic mining -limestone) extraction operation and reclamation plan; in the M-4, Quarrying District; located across the street from 30561 Bushnell Rd.; Sec. 4, T2N, R19E, **Town of Burlington** (Parcel Id. No. 002021904006000)

Dear Mr. Kress:

The Racine County Economic Development and Land Use Planning Committee (EDLUPC) approved the subject conditional use at their September 16, 2024 meeting. The Committee granted approval as this use is in accordance with the purpose and intent of Chapter 20 and public health, safety and welfare, and this use appears to be permitted by underlying zoning. You will be allowed to proceed with the subject project, which will be located at 30561 Bushnell Road, Section 4, Town 2 North, Range 19 East, Town of Burlington.

Attached to this letter is Exhibit A, which lists the conditions of approval established by Racine County. You must comply with all of the conditions listed in Exhibit A. **PLEASE BE SURE TO READ EXHIBIT A.**

You have obtained approval from the Town of Burlington, and you must comply with any conditions they established. Failure to comply with the terms and conditions of this approval as listed in Exhibit A or as established by the Town of Burlington could result in the issuance of citation(s) and permit revocation. If you have any comments or questions, do not hesitate to contact this office at 262-886-8440 or via e-mail (Brian.Jensen@RacineCounty.com

Yours truly,

Brian Jensen
Development Services Superintendent

BDJ

attachment

c: Jeanne Rennie, Town Clerk
Rachel Naber, Town Administrator
Russ Egan, Town Chair
Taylor Wishau, Supervisor District 21
file

CRETEX MATERIALS, INC.
APPROVAL CONDITIONS
SEPTEMBER 16, 2024

1. **The applicant must obtain a zoning permit card from this office after paying the required $1,550.00 fee.** This fee shall be paid in full before expansion activities commence. A copy of these conditions must be kept at the project site at all times until the project has been completed.

2. **Failure to comply with the terms and conditions stated herein could result in citations being issued and/or the approval/permit being revoked. This includes payment of any zoning or other local fees that are due.**

3. This operation must follow the plans and documents received by this office and approved by the EDLUP Committee. In addition, all applicable conditions from previous approvals shall remain in effect, unless otherwise amended herein.

4. The applicant is responsible for compliance with Article VII, Division 4 Performance Standards of Chapter 20, Zoning. Please see enclosed copy.

5. In compliance with NR 135, this site is filed under Racine County Non-Metallic Mining Permit # NM-01-002-004 & NM-01-002-005.

6. The applicant must keep current the restoration bond written to Racine County for $60,000.00 prior to the issuance of the County zoning permit. The restoration bond may not expire during this approval period. The restoration of the site must meet or exceed all the requirements of the mandated NR 135 regulation and subsequent nonmetallic mine reclamation ordinance.

7. This approval is for the limestone extraction operation, including crushing of material. This approval is valid for a two-year period from the date of this letter; a two-year extension must be requested to continue operations at this site. However, no permit renewal will be granted unless the project is in reasonable compliance with the conditions of this approval. An on-site evaluation by this office will determine compliance. The operation must follow the submitted and approved operations plan.

8. The hours of operation may be from 6:00am – 6:00 pm Monday through Friday. Saturday hours may be 7:00 am – 2:00 pm, may be permitted with prior approval by the Town of Burlington and Racine County. No Sundays or Holidays. The hours must be coordinated with the Town of Burlington and the most restrictive hours will apply. Maintenance and repairs may only be performed outside of these hours if necessary.

9. Crushing hours will remain as 6:00 am – 6:00 pm, Monday – Friday. No crushing operations shall occur on Saturday, Sunday, or Holidays.

10. Blasting of limestone will be limited to the hours of 9:00 am to 3:00 pm.

11. Materials shall be shipped by way of the existing haul road through the Warren Quarry until the new haul road is completed.

12. You may use the south driveway entrance to Brever Road as an emergency access point. All other truck traffic must be routed to the north through the Warren pit and out to STH 142. The south driveway may only be used for regular traffic once the quarry is restored as a lake for public access.

13. All overburden and topsoil must be stockpiled on the premises for future use in restoration of this property. The stockpiles must be seeded with a mixture of grasses that will remain until the stockpiles are used to cover the land being mined. Finished side slopes must be consistent with the approved plan, with proposed farmland areas being 8:1 or flatter.

14. Materials for mine reclamation are required to be specified in the reclamation plan and approved. Solid waste materials that are not specified in the approved plan shall not be used, placed or stored at this site. Only materials that may be considered as potentially suitable for use in reclamation are clean fill; or low-level contaminated soils approved by WI-DNR Remediation and Redevelopment program under Ch. NR 718; and, solid waste materials approved by the WI-DNR Waste and Materials Management program that are granted a low hazard exemption and an exemption for industrial byproducts under Ch. NR 538.

15. Follow extraction as shown on the submitted plan. Maintain proposed side slopes and setbacks as extraction continues. Continue to operate in the active mining area and complete interim reclamation as mineral extraction is complete. The active mining area shall not be within 200 feet of the road right-of-way.

16. Topsoil must be stockpiled separately from the remaining overburden material. All stockpiles must be temporarily seeded with twenty (20) pounds of 1,000 square feet of perennial rye grass or winter wheat within seven (7) days of formation. The operator is responsible for reseeding until all overburden stockpiles are in a dense vegetative cover. This must be done prior to September 15 of each year. See the attached WI-CPA-123 for seeding recommendations.

17. As the site is reclaimed, topsoil may need to be brought in to obtain at least 3-inches in thickness. Upon final grading of the side slopes, the seeding must be completed and all 3:1 slopes or steeper must be covered with erosion-control netting (or blankets). Slopes flatter than 3:1 may be seeded and mulched with no netting. All Erosion-control netting must be thoroughly stapled with six-inch wire or wood staples to firmly hold the netting in place.

18. The Racine County Economic Development and Land Use Planning Committee and the Town of Burlington reserve the right to require, with 60-day notice, a complete set of elevations including bottom of the pit grades. A registered land surveyor or a professional engineer must take these elevations. The operation may not occur below the grades shown on the submitted restoration plan.

19. The applicant must provide this office with an "as-built" survey within 90 days of completed restoration on this site. Racine County will need to certify the site as "reclaimed" before release of financial assurance.

20. Racine County staff may enter the premises of this quarry operation to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Unless the operation is in reasonable compliance with the terms of this approval, such approval is subject to amendment or revocation.

21. The operator must notify this office and the Town of Burlington in writing at least 30 working days prior to completion of site reclamation.

22. Storm water drainage plan review and approval is the Town's responsibility. The landowner must contact the Town regarding this matter. The Town might not issue a permit until they have approved the plan.

23. The applicant is responsible for ensuring that all truck drivers strictly obey all posted speed limits and all traffic signs and laws. This includes coming to a full stop before entering the public roadway. Should this office receive substantive complaints that such laws are being broken, the EDLUP Committee reserves the right to reconsider and possible revoke this permit for non-compliance.

24. All phases of this operation must be conducted in conformance with the air quality regulations of the State of Wisconsin.

25. The applicant is responsible for control and/or cutting of noxious weeds in compliance with the Town's weed ordinance.

26. Dust control must be established on all internal haul roads. Dust palliatives must be Wisconsin Department of Natural Resources approved. Airborne particulate matter may not exceed Wisconsin State Administrative Code regulations.

27. No additions, deletions, or changes may be made to these conditions without prior approval at the Racine County Economic Development and Land Use Planning Committee and the Town of Burlington.

28. The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses.

29. Your accepting the conditional use approval/zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Cretex Materials, Inc. and Warrenville Corporation and their successors and assigns are responsible for full compliance with the above conditions. It is the property owner's responsibility to inform any subsequent owner of these conditions.

raSmith
CREATIVITY BEYOND ENGINEERING

R.A. Smith, Inc.
16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000 | rasmith.com

Planning & Zoning Commission Report for February 12, 2026

31405 Bushnell Road

Applicant:	CJ Kress
Project:	Quarry Expansion
Requested Action:	Conditional Use Amendment
Existing Zoning:	M-4
Location:	Cretex Materials, 31405 Bushnell Road

Report

The applicant for the subject property has submitted an application for a Conditional Use to expand the existing on-site mining operation to the southwest corner of the property. Included with the application were civil engineering plans, a certified Wetland Delineation Report, and a copy of the WDNR Chapter 30 permit received for the proposed work.

Updated plans from the applicant were received on February 4, 2026. The plans define the limits of the proposed quarry expansion and demonstrate conformance to the reclamation plan. Per the engineering plans, the proposed expansion is expected to remain within required setbacks.

It appears that the proposed work will overlap with the regulatory floodway boundary. Receipt of the DNR Chapter 30 permit demonstrates that the proposed work is in compliance with the DNR requirements for any activity below the ordinary high-water mark of navigable waters, which for this site is the adjacent Fox River. I was informed by the applicant that verbal approval was given by Racine County who regulates any work within the regulatory floodway. The applicant should furnish written approval from the County to the Town that demonstrates County approval for work within the regulatory floodway.

Upon review of the Wetland Delineation Report, it is not anticipated that the proposed work will impact any wetlands. The only wetlands discovered within the study area exist along the banks of the Fox River which are expected to be outside the proposed disturbance area.

Staff Recommendation:

I recommend that the Planning & Zoning Committee provide a positive recommendation for approval to the Town Board, subject to the Town receiving written approval from the applicant demonstrating that Racine County approves the proposed work within the regulatory floodway.

Robert Wielgos, P.E.
February 5, 2026

SEH

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TOWN OF BURLINGTON PLANNING & ZONING COMMITTEE

TO: Planning & Zoning Committee
FROM: Bryce Hembrook, AICP
Planner
REPORT DATE: February 5, 2026
PC MEETING DATE: February 12, 2026

RE: **Cretex Materials – Conditional Use Permit Amendment**
SEH No. 182642, TASK 9

Applicant: Cretex Materials, Inc. (CJ Kress)
Application Type: Conditional Use Permit Amendment
Location: 30561 Bushnell Road (parcel 002021904010020)
Land Use Plan: Commercial, Extractive, Parks and Recreation, and Primary Environmental Corridor
Zoning: M-4 Quarrying District

The following report is provided to the Planning & Zoning Committee for cursory review prior to action. Specifics relating to the submitted documents of this application may be referenced in the Committee's Packet.

Background

The Planning & Zoning Committee approved a rezoning, conditional use permit amendment, and a reclamation plan update in 2024 for this property. The applicant is proposing to amend the conditional use permit to allow for the expansion of excavation to the southwest. The applicant has received approval from the Wisconsin Department of Natural Resources (DNR) to expand their excavation operations. This reclamation plan is updated to include the new area proposed to be excavated. This property requires a conditional use permit amendment every two years for this site, according to their conditional use approval from the County. This amendment and expansion request can serve as the requirement amendment.

Analysis

Location

The subject property is located on Bushnell Road to the south of Bushnell Park and to the east of the Fox River. The total acreage for the subject parcel is approximately 142.39 acres in size. The properties to the south and east of the properties are predominantly zoned A-2 General Farming District and one nearby property to the east is zoned B-5 Highway Business District. The property to the north is zoned P-2 Recreational Park District and the land to the west of Fox River is located in the City of Burlington. The subject property does not directly abut any residential zoning district.

Land Use
The Town of Burlington 2035 Land Use Plan identifies this property as Commercial, Extractive, Parks and Recreation, and Primary Environmental Corridor. The existing reclamation plan identifies that the entire site may become a park and the majority of the site will be landscaped or become a pond.

Conditional Use Permit Amendment
Since this operation has been approved as a conditional use, an amendment to the previous conditional use permit is required to document the proposed changes and the new proposed quarry property boundary. The main change to this conditional use permit is expansion of operations in the southwest corner of the property. Per the applicant, the proposed excavation will extend to the southwest and will not be located within 300 feet from the Fox River centerline. Any future expansions or changes to the mining operation will require a conditional use permit amendment.

The applicant provided a site plan (Figure 7: Site Plan) and this includes the typical setback lines, the 300' setback from the river centerline, and identifies the proposed excavation area. The plan identifies the southwest portion of the property as a proposed excavation area. The applicant is proposing to extend operations up to the 300' setback from the river centerline, as approved by the Wisconsin Department of Natural Resources.

From a planning and zoning perspective, staff does not have a concern with the excavation area extending operations as shown because the intent of the setback is to offer a buffer between the excavation area and the river, roads or properties. The expansion is proposed to extend to the west but no closer than 300 feet from the center of the Fox River. There is a floodway located in the southwest corner of the property and the applicant received approval from the DNR for this expansion. The Town does not have specific requirements and/or approval authority for land use activities within a floodway.

Reclamation Plan Update
The applicant has submitted an updated reclamation plan map to show the newly proposed extent of the proposed restoration pond. The Land Use Plan identifies portions of the parcel as Parks and Recreation and this area may become a park at some point. Staff does not have any concerns, from a town zoning or planning perspective, with the proposed reclamation plan update as proposed since it is a minor change to overall reclamation plan that is already in effect. The DNR has reviewed this request and granted a permit for the extension of the pond. The Town can make recommendations regarding the reclamation plan for the County to consider; however, the County grants final approval. The County encourages Town feedback regarding this matter, so any recommendations should be reflected in the motion or in the meeting minutes.

Additional Information
Please note that 2017 Wis. Act 67 states that decisions to approve or deny a conditional use permit, and to attach conditions to said permit, must be supported by substantial evidence. Substantial evidence includes facts and information and does not include personal preferences or speculation.

Planning & Zoning Committee Options

The Committee can make the following recommendations:

1. Approval of the request with any exceptions, conditions, or modifications the Committee feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Committee.
3. Table the request for further study.

Recommendation

Conditional Use Permit Amendment

Recommend a positive recommendation to the Town Board for the proposed amendment request subject to any additional requirements from the Town Engineer, County, DNR, and any other applicable jurisdiction (if any).

Reclamation Plan Update

Recommend a positive recommendation to the Town Board for the request subject to any additional requirements from the Town Engineer, County, DNR, and any other applicable jurisdiction (if any).

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Chapter 2.12

PLAN COMMISSION

Sections:

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2.12.010 Purpose

The purpose of this ordinance is to establish a Town of Burlington Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

2.12.020 Establishment.

The Town Board of the Town of Burlington_, having been authorized by the Town meeting under sec. 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under secs. 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance

2.12.030 Membership.

The town plan commission shall consist of seven members, all members shall be residents of the town with one member being the town chairman. In addition, a representative from the City of Burlington may be included as a non-voting representative (they shall not be considered a member). Other than the chairman, the other members shall be of recognized experience and qualifications appointed by the town chairman subject to the confirmation of the town board. The resident members shall serve with compensation. The non-resident representative shall serve without compensation. Non-attendance to meetings and training, as well as failure to follow guidelines, could be grounds for termination. Each year when appointments are made, all plan commission and town board members are required to attend training to be held at the town hall presented by a professional planner. Members are also encouraged to attend additional training sessions. The town will reimburse members for classes attended which are approved by the town board. (Ord. dated 1/14/10)

A. Presiding Officer. The town chairman.

B. Secretary. The town clerk.

C. Official Oaths. Official oaths shall be taken by all members in accordance with Section 19.01, Wis. Stats., within ten (10) days of receiving notice of their appointments.

D. Terms. The citizen members shall serve staggered three year terms. (Ord. dated 5/11/06). (Ord. dated 8/22/02: editorially amended during 2001 codification; § 1.20(2))

2.12.040 Organization.

The town plan commission shall organize and adopt rules for its own government in accordance with the provisions of this chapter.

A. Meetings. Meetings shall be held monthly or at the call of the presiding officer

or a majority of the full board and shall be open to the public.

B. Standing and Special Committees. Standing and special committees may be appointed by the chairman.

C. Quorum. The quorum shall be represented by a majority (four members) of the board. If there is not a quorum of appointed members at a particular meeting, a substitute, who may be a town board member or town employee, may be appointed for the limited purpose of serving on the P&Z board, by the town chairman. This limited appointment is to establish a quorum only. (Ord. dated 5/11/06)

D. Written Record. Written records shall be kept showing all actions taken, resolutions, findings, determinations, transactions and recommendations made; and a copy shall be filed with the town clerk as a public record. (Ord. dated 9/9/04; editorially amended during 2001 codification; prior code § 1.20(3))

2.12.050 Powers.

The plan commission shall have such powers as may be necessary to enable it to perform its functions under state statues 60.61 and 62.23 Such powers shall include the following:

A. Employment of Experts and Staff. Employ and pay experts and staff for their services, supplies and such other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the town board, and the initial annual budget of the plan commission shall be as established by the town board and amended from time to time.

B. Make Reports and Recommendations. Make reports and recommendations relating to the plan and development of the municipality to public officials, agencies, utilities and other organizations and citizens.

C. Recommend Public Improvement Programs. Recommendations of and financing public improvement programs to the town board or town chairman.

D. Request Available Information. Request available information from any public official to be furnished within a reasonable time.

E. Enter Upon Any Land. The plan commission, its members and employees, may enter upon any land in the performance of its functions, make examinations and surveys and place and maintain necessary monuments and marks thereon, except that in such event, the plan commission, its members and employees shall be responsible and make restitution for any damages sustained by a property owner or occupant by virtue of such entry and shall forthwith pay the same. (Editorially amended during 2001 codification; prior code § 1.20(4))

2.12.060 Duties.

The town plan commission shall have the following functions and duties:

A. To Make and Recommend a Comprehensive Plan and amendments thereto to the Town Board for the physical development of the Town in accordance with Section 66.1001 of the Wisconsin Statutes. The Plan Commission's recommendation shall be in the form of a resolution approved by a majority of the full membership of the Commission.

B. Make and Recommend an Official Map. An official map shall be recommended to the town board in accordance with Section 62.23(6), Wis. Stats.

C. To Propose or Review and Recommend Text and Map Amendments to the Racine County Zoning Ordinance for consideration by the Town Board and County Board.

D. Prepare and Recommend Land Division Regulations. Preparation and recommendation of land division regulations shall be presented to the town board in accordance with Section 236.45, Wis. Stats.

E. Make Any Changes to Comprehensive Plan. Any changes deemed necessary or desirable to the comprehensive plan shall be made by the plan commission and it shall recommend any changes or amendments to the town board that it deems necessary or desirable concerning the official map, , land division and fire prevention ordinances.

F. Consider and Report or Make Recommendations. All matters referred to the plan commission shall be considered and reports or recommendations shall be made to the town board. (Editorially amended during 2001 codification; prior code § 1.20(5))

2.12.070 Referrals.

The town board or other public body or officer of the town having final authority thereon shall refer to the town plan commission for its consideration and report before final action is taken, the following matters:

A. Location and Architectural Design. The location and architectural design of any public building.

B. Location of Any Statue or Other Memorial.

C. The location, acceptance, extension, alteration, vacation, abandonment, change of use sale, acquisition or lease of land for any street, alley or other public way, park, playground, airport, parking area or other memorial or public grounds.

D. Location, Extension, Abandonment. The location, extension, abandonment or authorization for any public utility, whether publicly or privately owned.

E. Location, Character and Extent. The location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion or vacation camps for children.

F. Proposed Fire Prevention Regulations.

G. All Annexations. All annexations, incorporations or consolidations affecting the town.

H. All Divisions of Lands. All divisions of lands within the town's platting jurisdiction.

I. All Proposed or Requested Changes and Amendments. All proposed or requested changes and amendments to the town's comprehensive plan, official map, , land division and fire prevention ordinances. (Editorially amended during 2001 codification; prior code § 1.20(6))

2.12.080 Additional powers and duties.

The plan commission shall have all additional powers and duties granted or signed by the town board or town, provided they do not conflict with §§ 60.61–62.23, Wis. Stats. (Editorially amended during 2001 codification; prior code § 1.20(7))

2.12.090 Sign posting required when.

Any person who shall appear before the plan commission with a request for a conditional use, land division, rezone, land use plan variance, oversize garage, or any other purpose, shall be required to pay all appropriate fees and deposits, and to post a sign on the property affected at least three weeks prior to the date of the hearing before the plan commission. The sign shall be picked up at the town hall and posted in a conspicuous place on the property adjacent to the street, which is visible to the public, on the property affected by the request. Failure to properly post the sign may result in adjournment of the hearing or denial of the application or request. The person required to post such sign shall pay the town

the sum of one hundred fifty dollars ($150.00) as a deposit to guarantee return of the sign by that person to the town after final board action. Failure to return the sign by Wednesday of the week following final board action, shall result in the applicant forfeiting the $150.00 deposit and the Town retrieving the sign from the property. (Ord. dated 7/12/07)