

Town of Burke
Plan Commission Minutes
April 13, 2011
5:30 p.m.

Members Present: Mike Vraniak, Chairperson; RJ Hess; Christie Legler and George Walsh.

Excused: Joan Stoflet and Marv Urban.

Others Present: Brenda Ayers, Clerk/Treasurer. See attached list for other interested parties in attendance.

1. The meeting was called to order at 5:33 p.m. by Chairperson Vraniak.
2. Discuss /possible action concerning a CSM submitted by Mary Federer for the purpose of dividing a 5.01 acre parcel into two separate lots (2.5 and 2.51 acres) property located at 6274 Sommer Valley Circle (parcel number 0810-091-8100-7).

Motion: Hess/Legler to recommend approval of the CSM for two residential lots to the Town Board contingent upon review by the City of Madison and Dane County and the receipt of a soils report on the newly created lot (submitted at the meeting).
Motion carried.

3. Discuss /possible action concerning a CSM submitted by Roland Manthe for the purpose of dividing a 5.02 acre parcel into two separate lots (2.5 and 2.52 acres) property located at 6185 Sommer Valley Circle (parcel number 0810-091-8040-0).

Motion: Hess/Legler to recommend approval of the CSM for two residential lots to the Town Board contingent upon review by the City of Madison and Dane County and the receipt of a soils report on the newly created lot (submitted at the meeting).
Motion carried.

4. Discuss/possible action concerning a rezone request (from A-1 and A-B to C-2) submitted by JAD Land Development LLC, property located at 3370 Burke Road (parcel numbers 0810-243-4001-0, 0810-243-4004-0, 0810-243-4007-0, 0810-243-4010-0, 0810-243-4013-0, 0810-243-4016-0, 0810-243-4019-0, 0810-243-4022-0, 0810-243-4025-0, 0810-243-4028-0 and 0810-243-4031-0).

Dan Birrenkott addressed the runoff concerns raised at the Town Board meeting. Hess reminded the group that the rezone is the only item of action and that the Town will have further review when the plat and site plans are filed.

Plan Commission members were provided the list of allowable uses as amended at the previous meeting which included the corresponding County Zoning code. They also received the list of "Requested Modifications to Plan Commission List of Permitted Uses" submitted at the April 6 Town Board meeting by the applicant's attorney.

Hess reported that in a letter to Dane County Zoning dated March 18 from Michael Waidelich (copy attached) the City of Madison requested that the following conditions are attached to the proposed rezone: 1) the applicants record a condominium removal for the entire JAD Condominium prior to the C-2 zoning taking affect 2) the applicants execute a restrictive covenant benefitting the City of Madison in a form approved by Dane County and the City of Madison prior to the C-2 zoning taking affect. Said covenant shall include the list of allowable uses and a prohibition against the placement of billboards on the property. Hess also noted that the City has also discussed excluding retail and service uses, mobile home sales, drive-in establishments, taverns and car washes with the applicants.

Hess reported that in an email to the Town Clerk dated April 12 (copy attached), Roger Lane of Dane County Zoning recommended that the “assembly of motor vehicles” is not added as an allowable use because it is listed in the M-1 zoning district, not C-2.

Motion: Hess/Walsh to recommend approval of the rezone to C-2 to the Town Board contingent upon the filing of a restrictive covenant prohibiting retail establishments and drive ups, limiting all work/storage to the inside of a building, and allowing only the following uses from the Dane County Zoning Code: 10.14 (1)(b) Major repairs to motor vehicles (inside only); 10.14 (1)(q) Parking and storing of motor vehicles; 10.14 (1)(s) Warehouses; 10.14 (1)(u) Mini-warehouses; 10.13 (1)(e) Banks, offices, office buildings and condominium office buildings devoting not more than two (2) floors to office space; 10.13 (1)(j) Woodworking shops, machine shops, manufacturing and assembly plants; 10.13(1)(L) Rental businesses, except for motor vehicles and construction machinery and equipment; 10.13 (1)(i) Distribution centers and wholesale business; 10.13 (1)(c) Warehousing and storage incidental to a permitted use on the premises (internal storage only); 10.141 (1)(a) General mechanical and landscape contracting businesses and building used in connection with such activity; 10.141 (1)(b) Storage of construction equipment necessary for the operation of a general, mechanical or landscape contracting business and permitting the following use from the Dane County Zoning Code subject to the granting of a CUP: 10.14 (2)(i) Residence for a watchman or caretaker; 10.13 (2)(j) Communication towers; 10.13 (2)(m) Government uses; 10.13 (2)(n) Agricultural uses and allowing the following use only on lot 11: 10.141 (1)(g) A single family residence for an owner of the business or a caretaker contingent upon the aforementioned conditions requested by the City of Madison. Motion carried.

5. Update on the DeForest ETZ. Hess reported that a joint meeting was held on March 22 with Vienna and DeForest to approve zoning code amendments.
6. Approval of minutes from February 23, 2011. Motion: Hess/Walsh to approve the minutes as presented. Motion carried.

7. Adjourn.

Motion: Legler/Hess to adjourn. Meeting adjourned at 6:09 p.m. Motion carried.

Brenda Ayers
Clerk/Treasurer
Town of Burke
3/23/2011

**LIST OF ALLOWABLE LAND USES IN THE C-2 PORTIONS OF THE LAND
TO BE DEVELOPED BY JAD LAND DEVELOPMENT LLC (Revised BY PC 2/23/2011)**

The following is a list of allowable land uses in the C-2 portions of the land to be developed by JAD Land Development LLC. This list will be inserted in a recorded deed restriction which will be enforceable by Dane County, the Town of Burke and the City of Madison, so long as this land is in the Town of Burke, and by the City of Madison if the land is located in the City of Madison at a future date.

- 10.14(b) (C-2) 1. Major repairs to motor vehicles *(all work contained in buildings)*
- ~~2. Sales, rental or leasing of new and used motor vehicles~~
- 10.14(b) (C-2) 3. Sales, service and rental of recreational equipment
- ~~4. Sales, service, repairs, storage, rental and leasing of new and used contractor's machinery and equipment~~
- 10.14(g) (C-2) 5. Parking and storing of motor vehicles
- ~~6. Bulk fuel storage~~
- 10.14(s) (C-2) 7. Warehouses
- 10.14(v) (C-2) 8. Mini-warehouses
- ~~9. Sales and repair of lawn and garden equipment~~
- ~~10. Bicycle sales and service~~
- 10.13(d) (C-1) 11. Medical, dental and veterinary clinics
- 10.13(e) (C-1) 12. Banks, offices, office buildings and condominium office buildings
- 10.13(b) (C-1) 13. Laundries and dry cleaning plants
- 10.13(j) (C-1) 14. Woodworking shops
- 10.13(w) (C-1) 15. Machine shops
- 10.13(l) (C-1) 16. Rental businesses
- 10.13(i) (C-1) 17. Distribution centers
- 10.13(i) (C-1) 18. Wholesale businesses
- ~~19. Manufacturing and assembly plants~~
- 10.13(m) (C-1) 20. Experimental laboratories
- 10.13(c) (C-1) 21. Warehousing and storage incidental to a permitted use *(internal storage only)*
- ~~22. Off-site parking of motor vehicles~~
- 10.14(a) (LC-1) 23. General, mechanical and landscape contracting businesses
- 10.14(b) (LC-1) 24. Storage, maintenance and repair of items of construction equipment necessary for the operation of a general, mechanical or landscape contracting business
- ~~25. Outside storage of materials or supplies used by a contractor~~
- ~~26. School bus and motor coach transportation businesses~~

27. ~~Storage, maintenance and repairs of vehicles and school buses used in school bus and motor coach transportation businesses~~
- 10.14(1)(g) (C-1) 28. Single family residence for an owner of the business or a caretaker (on lot 11 only)
29. ~~Utility services~~
30. ~~Mineral extraction incidental to grading, site preparation or development of the property~~
- 10.14(2)(i) (C-2) ~~CUP Required~~ 31. Residence for a watchman or caretaker, subject to the granting of a conditional use permit
- 10.13(2)(j) (C-1) ~~CUP Required~~ 32. Communication towers, subject to the granting of a conditional use permit
- 10.13(2)(m) (C-1) ~~CUP Required~~ 33. Government uses, subject to the granting of a conditional use permit
- 10.13(2)(n) (C-1) ~~CUP Required~~ 34. Agricultural uses, subject to the granting of a conditional use permit
35. ~~Outdoor storage and other activities incidental to any permitted use~~

Added:

Assembly of items, Subject to a Conditional Use permit 10.13(1)(j) (C-1) Per Roger Lane
Dane County Zoning (note: in Dane County Zoning code this is a Permitted use w/o a CUP.

10.13 C-1 COMMERCIAL DISTRICT. (1) *Permitted uses.* (a) Retail and service uses including, but not limited to, grocery stores, drugstores, hardware stores, appliance and furniture stores, barbershops and beauty shops ~~without limitation as to size.~~

13. (b) ~~Self-service~~ laundries and dry cleaning establishments.

21. (c) Warehousing and storage incidental to a permitted use on the premises. Mini-warehouses are excluded from use in this (C-1) district. *Internal Storage Only*

11. (d) Medical, dental and veterinary clinics.

12. (e) Banks, offices, office buildings and condominium office buildings devoting not more than two (2) floors to office space.

(f) Utility services.

(g) Rooming and boarding houses.

(h) Bakeries, printing plants, laundries, dry cleaning plants.

17. 18. (i) Distribution centers and wholesale businesses.

14. 15. (j) Woodworking shops, ~~machine shops,~~ *at works* ~~manufacturing and assembly plants.~~ *Added Item*

(k) Bicycle sales and service.

16. (l) Rental businesses, ~~except for motor vehicles and construction machinery and equipment.~~

20. (m) Experimental laboratories ~~not to exceed 5,000 square feet of floor area.~~

(o) Sales and repair of lawn and garden equipment.

(p) Games such as horseshoes, volleyball or similar activities not lighted for night operation.

(q) Marinas.

(r) Off-site parking of motor vehicles as provided in section 10.18(3)(c).

(s) Crematoriums.

(t) All uses permitted in the LC-1 Limited Commercial District.

(2) *Conditional uses permitted in the C-1 Commercial District.*

(a) Single family residences, duplexes, multi-family residences.

(b) Banks, offices, office buildings and condominium office buildings devoting more than two (2) floors to office space.

(c) Motels, hotels, taverns, funeral homes and drive-in establishments.

(d) Hospitals, veterinary hospitals, nursing homes, convalescent centers, extended care facilities.

(e) Mobile home parks, subject to special conditions as provided for in s. 10.08(10).

(f) Outdoor amusement parks or other entertainment activity that is open to the public on either a permanent or temporary basis.

(g) Indoor or outdoor movie theater.

(h) Automobile laundries, car wash facilities.

(i) Dog and cat boarding kennels, grooming and training facilities.

32. (j) Communication towers.

(k) Storage of motor vehicles awaiting disposition either as abandoned vehicles or for the settlement of an insurance claim.

33. (m) Governmental uses.

34. (n) Agricultural uses.

(o) Games such as horseshoes, volleyball or similar activities lighted to operate at night.

(3) *Building height limit.* (a) For business buildings, including offices, the maximum building height shall be four (4) stories, provided, however, that a conditional use permit shall be required for any building that provides more than two (2) stories devoted to office space.

(b) Lots or building sites for residential purposes or for combined business and residential uses shall comply with the requirements of the R-4 Residence District.

(4) *Area, frontage and population density regulations.* Area, frontage and population density regulations shall be the same as for the B-1 Local Business District.

(5) *Setback requirements.* Setback from front lot line or highway right-of-way shall comply with the provisions of section 10.17.

(6) *Side yard requirements.* Side yard requirements shall be the same as for the B-1 Local Business District.

(7) *Rear yard requirements.* (a) For buildings to be used exclusively for business purposes the minimum depth of any rear yard shall be 10 feet.

(b) For residential buildings, or buildings combining residential and business uses, the minimum depth of any rear yard shall be 25 feet.

(8) *Off-street parking.* Off-street parking space shall be provided in accordance with the provisions of section 10.18.

(9) *Screening provisions.* On lots adjacent to or abutting land in a residence district, the screening provisions of section 10.16(8) shall be complied with prior to the issuance of a certificate of compliance.

[History: (1)(q) cr., Sub. 2 to OA 25, 1987-88, pub. 02/29/88; (1)(c) am., OA 1, 1994-95, pub. 09/02/94; (2)(c) and (3)(a) am., OA 16, 1996-97, pub. 01/16/97; (2)(j) am., OA 57, 1996-97, pub. 09/02/97; (1)(r) cr., OA 39, 1997-98, pub. 08/17/98; (8) am., OA 3, 2000-01, pub. 10/19/00; (1)(s) cr., OA 38, 2004-05, pub. 09/12/05; (1)(t) cr., OA 27, 2005-06, pub. 05/16/06.]

10.14 C-2 COMMERCIAL DISTRICT. (1) Permitted uses. (a) All uses permitted in the C-1 Commercial District without limitations as to size.

1. (b) Major repairs to motor vehicles. *inside only*

(c) Sales of new and used motor vehicles.

3. (d) Sales of ~~new and used mobile homes~~, recreational equipment rental, sales and service.

(e) Sales of new and used contractor's machinery and equipment.

(f) Repairs, storage and service of contractor's machinery and equipment.

(g) Rental and leasing of motor vehicles, contractor's machinery and equipment.

(h) Bulk fuel storage, sales and storage of lumber and building material.

(i) Truck and bus terminals.

(j) Auxiliary or supplemental electric generating stations.

(k) Fertilizer mixing or blending plants.

(L) Slaughterhouses, meat processing plants.

(m) Bottling plants.

(n) Utility services.

(o) Storage, repair and maintenance of carnival, concession and circus machinery and equipment.

(p) Automobile and truck driver training schools and construction equipment operator training schools that are privately owned and operated for profit.

5. (q) Parking or storing of motor vehicles.

(r) Storage or processing of scrap or waste materials, conducted entirely within a building.

7. (s) Warehouses.

(t) Games such as horseshoes, volleyball or similar activities not lighted for night operation.

8. (u) Mini-warehouses.

(v) Adult book stores, subject to the standards set forth in s. 10.193.

(w) All uses permitted in the LC-1 Limited Commercial District.

(2) Conditional uses permitted in the C-2 Commercial District.

(a) Outdoor amusement parks or other entertainment activity whether on a permanent or temporary basis that is open to the general public.

(b) Movie theaters, outdoor theaters.

(c) Drive-in establishments.

(d) Automobile race tracks, snowmobile race tracks and courses, all-terrain vehicle race tracks and courses and motorcycle race tracks including moto-cross and hill climbing courses.

(e) Mineral extraction subject to the special conditions of section 10.191.

(f) Solid waste disposal operations, sanitary landfill sites.

(g) Auto laundries, car washes.

(h) Taverns.

(i) Residence for a watchman or caretaker. 31.

(j) Communication towers.

(k) Dog and cat boarding kennels, grooming and training facilities.

(L) Governmental uses.

(m) Agricultural uses.

(n) Games such as horseshoes, volleyball or similar activities lighted to operate at night.

(o) Religious uses.

(p) Motels and hotels.

(q) Storage of explosive materials in strict conformance with Wisconsin Administrative Code provisions relating to explosive materials.

(3) *Building height limit.* The maximum height for all buildings shall be fifty (50) feet. Tanks, storage bins, silos and towers shall not be subject to this limitation.

(4) *Area, frontage and population density regulations.*

(a) The area and frontage shall be the same as for the B-1 Local Business District.

(b) Any principal building together with its accessory building shall not cover more than sixty percent (60%) of the lot area.

(5) *Setback requirements.* Setback from front lot line or highway right-of-way shall conform to the provisions of section 10.17.

(6) *Side yard requirements.* Side yard requirements shall be the same as for the B-1 Local Business District.

(7) *Rear yard requirements.* (a) For business and commercial buildings, the minimum depth of any rear yard shall be 10 feet.

(8) *Screening provisions.* On lots adjacent to or abutting land in a residence district, the screening provisions of section 10.16(7) shall be complied with prior to the issuance of a certificate of compliance.

(10) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[History: (1)(u) cr., OA 1, 1994-95, pub. 09/02/94; (2)(o) cr., OA 42, 1994-95, eff. 09/26/95; (2)(d) am., Sub. 2 to OA 19, 1995-96, eff. 02/25/96; (2)(p) cr., OA 15, 1996-97, pub. 01/06/97; (2)(c) and (e) and (8) am., OA 16, 1996-97, pub. 01/16/97; (2)(j) am., OA 57, 1996-97, pub. 09/02/97; (10) cr., OA 39, 1997-98, pub. 08/17/98; (1)(v) cr., OA 3, 1998-99, pub. 09/24/98; (2)(q) cr., OA 22, 1999-2000, pub. 06/27/00; (1)(w) cr., OA 27, 2005-06, pub. 05/16/06.]

10.141 LC-1 LIMITED COMMERCIAL DISTRICT. (1) Permitted uses. (a) General, mechanical and landscape contracting

23.

businesses and buildings used in connection with such activity.

24. (b) Storage of construction equipment necessary for the operation of a general, mechanical or landscape contracting business. There shall be a limit of 12 items of equipment stored on each zoning lot.

(c) School bus and motor coach transportation businesses including offices and parking, storage and maintenance of buses and other vehicles used in the business, such as vans and maintenance tow trucks. Bus terminals for said businesses are not permitted.

(d) Maintenance and repairs to vehicles and construction equipment for school buses stored on the premises and not as a service to other owners.

(e) Outside storage of materials or supplies used by a contractor in fulfilling his or her contracts and not offered for sale to a user or consumer.

(f) Utility services.

28. (g) A single family residence for an owner of the business or a caretaker. lot 11 only

(2) *Building height limit.* Residential buildings shall not exceed 35 feet in height or two and one-half (2-1/2) stories.

(3) *Lot area.* Minimum lot area shall be not less than 100 feet of lot width and 20,000 square feet of lot area.

(4) *Lot area coverage.* The total floor area of commercial buildings, residential and residential accessory buildings shall not exceed 35 percent of the lot area.

(5) *Building setback requirements.* (a) Setback from front lot line to highway right-of-way line shall conform to the requirements of section 10.17.

(b) Construction equipment or material shall not be stored between the building setback line and the front lot line of any lot.

(6) *Side yard requirements.* The minimum width for any side yard shall not be less than 10 feet for any building.

(7) *Rear yard requirements.* (a) For buildings used for commercial purposes and residential accessory buildings the minimum rear yard shall be not less than 10 feet.

(b) For residential buildings the minimum rear yard shall be not less than 25 feet.

(8) *Screening requirements.* For lots adjacent to a residence district the screening provisions of section 10.16(7) shall be complied with prior to the establishment of a commercial use.

(9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[History: (1)(c) am., petition #4047, pub. 09/14/87; (8) am., OA 16, 1996-97, pub. 01/16/97; (9) cr., OA 39, 1997-98, pub. 08/17/98; (7)(a) and (b) am., OA 3, 2000-01, pub. 10/19/00.]

10.145 EXP-1 EXPOSITION DISTRICT. (1)

The purpose of the EXP-1 Exposition District is to provide for a district in which may be conducted the usual and customary activities associated with fairgrounds and exposition centers, as permitted uses, and to provide for related activities on a discretionary basis, as conditional uses.

(2) The following are permitted uses in the EXP-1 Exposition District:

- (a) fairs, carnivals, circuses and similar events;
- (b) animal shows, including without limitation because of enumeration, horses, cattle, sheep, swine, poultry, cats, dogs, rabbits, mink and other animals;
- (c) sporting events and practices for same;
- (d) concerts and other musical events;
- (e) commercial expositions and trade shows;
- (f) conferences and meetings;
- (g) governmental offices;
- (h) rental of any permitted facility or facilities to the public;
- (i) accommodation of temporary overnight stays by participants in permitted events, whether housed in campers, motorhomes, camping trailers, tents or dormitories;
- (j) utility services;
- (k) buildings and structures to house any permitted use; and
- (L) any 4-H related activity.

(m) parking or storing of motor vehicles.

(3) The following are conditional uses in the EXP-1 Exposition District:

- (a) governmental uses other than governmental offices;
- (b) buildings of a height greater than 100 feet.
- (c) hotels.

1. Accessory uses typically associated with exposition center hotels may also be allowed but only as incidental to the operation of a hotel.

(4) There shall be a building height limit of 100 feet for permitted uses.

(5) There shall be no minimum area, frontage or density requirements for permitted uses.

(6) Building setback shall be as required in s. 10.17.

(7) Side yard and rear yard requirements shall each be a minimum of 10 feet, except that there shall be no minimum side yard or rear yard requirements where lots zoned EXP-1 adjoin one another.

REQUESTED MODIFICATIONS TO PLAN COMMISSION LIST OF
PERMITTED USES

The applicant requests that the list of permitted uses for Lot 11 be amended to add "Retail
and wholesale sale of motor vehicle parts and accessories." ^(C-1) 10.13 (1) (a) - Retail Services... -

^{and (C-1)} 10.13 (1) (i) Dist. centers... etc. (#17:18)
The applicant also requests that the list of permitted uses for Lot 11 be amended to add
"Assembly of motor vehicles", rather than it being a conditional use.

^(C-1) 10.13 (1) (j) Woodworking Shops, etc. (#14:15)
also

4/6/2011

Town of Burke Clerk/Treasurer

From: Parks, Timothy [TParks@cityofmadison.com]
Sent: Tuesday, April 12, 2011 1:22 PM
To: 'Town of Burke Clerk/Treasurer'
Subject: RE: JAD Land Development LLC Rezone and plat
Attachments: Letter to DCZLR re Woods County Rezoning 03-18-11.pdf

Brenda,

Jerry Woods and Tom Hanley and their consultants have been in discussions with City Planning staff on this proposal. You are correct that it constitutes development under our cooperative plan with the Town.

I meant to copy you when we sent the County the attached letter on March 18, 2011 from Michael Waidelich. However, I see in looking at that earlier e-mail that we sent it to townofburke@verizon.net and I see that you now have a Frontier e-mail account, so it may not have gotten to you. I apologize for the confusion.

If you have any questions about this letter or the City's position, please do not hesitate to contact Michael Waidelich or myself.

All the best,

TIM PARKS
Planner, Planning Division
Dept. of Planning and Community
and Economic Development
City of Madison, Wisconsin
T: 608.261.9632
F: 608.267.8739

From: Town of Burke Clerk/Treasurer [mailto:townofburke@frontier.com]
Sent: Monday, April 11, 2011 3:30 PM
To: Parks, Timothy
Subject: JAD Land Development LLC Rezone and plat

Hello-

The Town of Burke has received a request for a rezone on a parcel of land at the corner of Burke and Reiner Roads from JAD Land Development (Jerry Woods). They are requesting a rezone from Ag uses to Commercial. It appears that this is considered development under the Boundary Agreement. Has Mr. Woods or his representative been in touch with the City regarding the request? It is my understanding that the plat will be submitted for approval after the rezone is approved (if it is approved).

I have attached our application file. Please let me know what procedures the City intends to follow on this and if the Town should condition its approval on City action (that is if the Town moves to approve the rezone).

Brenda Ayers

4/13/2011

Town of Burke Clerk/Treasurer

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All the best,

TIM PARKS
Planner, Planning Division
Dept. of Planning and Community
and Economic Development
City of Madison, Wisconsin
T: 608.261.9632
F: 608.267.8739

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Brenda Ayers

4/13/2011



Department of Planning & Community & Economic Development
Planning Division

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD 608 266-4747
FAX 608 266-8739
PH 608 266-4635

March 18, 2011

Dane County Zoning and Land Regulation Committee
c/o Dane County Department of Planning & Development
Room 116, City-County Building
210 Martin Luther King Jr. Blvd.
Madison, Wisconsin 53701

RE: Zoning Petition 10295 – JAD Land Development; 3370 Burke Road, Section 24, Town of Burke

Dear Chairperson Miles,

Thank you for the opportunity to comment on the proposed rezoning of approximately 29.5 acres located at the northeastern corner of Burke and Reiner roads in the Town of Burke from A-1 and AB agricultural zoning to C-2 commercial zoning. Staff from the City of Madison Planning Division has met on two occasions with Jerry Woods and Tom Hanley regarding the rezoning and subdivision of the subject property, which is located in the City's extraterritorial jurisdiction and within the Boundary Adjustment Area–Madison (BAA-M) designated in the Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan dated January 5, 2007.

Under the provisions in Section 11C of the Cooperative Plan, the Town of Burke has agreed that the rezoning of a site from a residential or agricultural classification to a non-residential classification and the subdivision of property are considered "development" and are subject to City approval in accordance with its development requirements, including but not limited to Madison zoning and subdivision codes, and adopted City plans.

The subject site is located in the northernmost portion of the overall Northeast Neighborhoods planning area, which is generally bounded by Nelson Road on the north, Thorson Road on the east, Interstate 94 on the south and Interstate 39-90-94 and Felland Road on the west. A neighborhood development plan for the portion of the planning area located south of Burke Road was adopted by the Common Council on October 20, 2009. The area north of Burke Road including the subject site was included in Phase II of the neighborhood planning area and plan development is still ongoing at the present time. However, the working concept plan for the area north of Burke Road recommends the future development of employment and light industrial uses for the subject site. City Planning staff believes that the proposed rezoning of the site to C-2 is generally consistent with these preliminary recommendations.

However, City staff has been discussing a series of use restrictions with the applicants to bring the proposed C-2 zoning into better alignment with the type of development the City believes would be consistent with the employment and light industrial uses envisioned and the current unavailability of full urban services. The City and applicants have discussed excluding such land uses as retail and services uses, mobile home sales, drive-in establishments, taverns and car washes from the subject site by restrictive covenant. Staff believes the excluded land uses are generally not consistent with the employment and light industrial uses envisioned for the area.

The draft list of allowable uses submitted with the rezoning application is largely acceptable to the City, although certain uses on the list, such as medical and dental offices, are not necessarily compatible with the storage and light industrial uses also proposed for the subject site, and are unlikely to develop on the subject site until the area is served by public water and sanitary sewer. The Cooperative Plan also stipulates that all signage on the property must comply with Madison's Sign Control Ordinance (Section 31, MGO). City staff requests that a note be included in the restrictive covenant stating that billboards are prohibited on the subject property. The City respectfully requests that the restrictive covenant establishing the allowed uses be executed as a condition of the County's approval of the rezoning.

In addition, the City believes it would be appropriate for the applicants to record a condominium removal for the JAD Condominium, which was recorded on the subject property in 2003, as a condition of this rezoning approval and in anticipation of the submittal of a subdivision plat similar to the Wood Ger Development concept plat that was included with the subject rezoning application.

The City anticipates requiring conditions of approval as part of its extraterritorial and Cooperative Plan review of the Wood Ger Development subdivision plat, which may include access restrictions for Lots 1, 8 and 9 from Reiner Road, the establishment of a landscape buffer adjacent to Reiner Road, and the submittal of a contemporary delineation for the wetland located in the southwestern corner of the property near the Burke-Reiner intersection.

In conclusion, the City of Madison Planning Division can support the proposed rezoning of 3370 Burke Road, Town of Burke, to C-2 Commercial zoning subject to the conditions that follow below, and look forward to working with the applicants on implementation of the proposed subdivision. The City respectfully requests that the following conditions be attached to the proposed rezoning:

1. That the applicants record a condominium removal for the entire JAD Condominium with the Dane County Register of Deeds prior to the C-2 zoning taking affect.
2. That the applicants execute a restrictive covenant benefitting the City of Madison in a form approved by the Dane County Department of Planning and Development and the City's Planning Division prior to the C-2 zoning taking affect. Said covenant shall include the attached list of allowable uses and an express prohibition against the placement of billboards on the subject property.

We appreciate the opportunity to comment on the proposed rezoning. If you have any questions about these comments or the information in this letter, please do not hesitate to contact me at 266-4635.

Sincerely,



Michael Waidelich
Principal Planner

cc: Jerry Wood
Tom Hanley
Mike Lawton, Lathrop & Clark, LP
Dan Birrenkott, Birrenkott Surveying, Inc.
Brenda Ayers, Clerk/ Treasurer, Town of Burke
Steve Cover, Director, Department of Planning and Community & Economic Development
Bradley J. Murphy, Director, Planning Division
Rick Roll, Planner, Planning Division
Tim Parks, Planner, Planning Division

Town of Burke Clerk/Treasurer

From: Lane, Roger [lane.roger@countyofdane.com]
Sent: Tuesday, April 12, 2011 3:25 PM
To: 'Town of Burke Clerk/Treasurer'
Subject: RE: JAD Land Development Rezone

Dear Brenda,

The retail and wholesale sale of motor vehicle parts and accessories would be covered under two categories within the C-1 Zoning District, which is allowed in the C-2 District. The retail part sales would fall under "Retail and service uses". The ordinance does not distinguish what is being sold at a retail level, nor should it. The question that the committee should ask themselves is, if retail sales are appropriate for this area? I know that the City of Madison did not want retail uses in this area.

Can Joe Wood tame down the retail sales at Pathfinder Chassis and just limit it to wholesale sales?

The wholesale of motor vehicle parts would fall under "Distribution Centers and Wholesale businesses". This is covered under the land uses that already have been approved or accepted by the Plan Commission. I don't see a wholesale business being that big of a problem for the area given the absence of drive-in customers. Its just warehousing and distribution.

The manufacturing of racing frames or the assembly of race cars would fall under the category of "Woodworking shops, machine shops, manufacturing and assembly plants". In addition to the permitted use of "Major repairs to motor vehicles", I think this really covers the construction of race cars on the site.

I would not add "Assembly of motor vehicles" just because that category is only listed in the M-1 Zoning District, which would be prohibits it in other districts. The assembly of motor vehicles would be more geared toward the mass production of vehicles.

Hope this helps.

Roger

-----Original Message-----

From: Town of Burke Clerk/Treasurer [mailto:townofburke@frontier.com]
Sent: Tuesday, April 12, 2011 11:53 AM
To: Lane, Roger
Subject: JAD Land Development Rezone

Roger-

One of the reasons the rezone was referred back to the Plan Commission by the Town Board is because the petitioner added two more uses to the requested list of uses (see attached). Could you tell me which, if any, of the permitted uses in the zoning code for C-2 these items fit into?

4/12/2011

Thanks-

Brenda Ayers
Clerk/Treasurer
Town of Burke
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Madison, WI 53718
P: 608.825.8420
F: 608.825.8422
E: townofburke@frontier.com

4/12/2011
