

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held before the Town Board and Plan Commission of the Town of Burke on Wednesday, June 3, 2020, at 5:30 p.m. in the meeting room of the Burke Town Hall located at 5365 Reiner Road, Madison Wisconsin, regarding a Conditional Use Permit (CUP) application submitted by Wolf Paving & Excavating for mineral extraction to mine virgin materials along with related activities including stockpiling of materials and recycling of asphalt and concrete on the property located at 5458 Reiner Rd, Sun Prairie (parcel number 0810-242-9000-3). No action will be taken on this item at the public hearing.

A copy of the application is available for viewing at the Town Hall by appointment during normal working hours; 8:00 a.m. - 4:00 p.m., Monday through Thursday and 8:00 a.m. to Noon on Friday. You may also request a copy via email to townofburke@frontier.com.

In accordance with Wisconsin Act 67, we ask that people speaking at the public hearing or providing written comments are prepared to support their testimony with substantial evidence relevant to the six standards of a Conditional Use Permit (see reverse side for more information).

If you cannot attend the Public Hearing, and wish to testify on this issue, you may write a letter of support or opposition to the Town and mail it to:

Town of Burke
5365 Reiner Road
Madison WI 53718
townofburke@frontier.com

The last day to receive public comment is Thursday, August 13 at 4 p.m. The Town Board is scheduled to take action on this application on Wednesday, August 19. This deadline may be extended if the Town Board does not take action on the scheduled date.

Brenda Ayers
Administrator/Clerk/Treasurer
Town of Burke
05/20/2020

In general, if an activity is identified in the zoning district as a conditional use, a municipality has limited authority to deny the Conditional Use Permit (CUP).

Conditions imposed on a CUP must be:

- a. Related to the purpose of the zoning ordinance
- b. Based on substantial evidence
- c. Reasonable
- d. To the extent practical, measurable

Decisions to approve or deny a CUP:

- a. Must be supported by substantial evidence (not personal preferences or speculation)
- b. The municipality shall grant a CUP if the applicant meets or agrees to meet all the requirements and conditions specified in the zoning code or imposed on the applicant
- c. Per Dane County Ordinance 10.255(2)(h) the Town will consider if the following six standards are met as a basis to approve or deny a CUP
 1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
 2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use;
 3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 4. That adequate utilities, access roads, drainage and other necessary site improvements have been made or are being made;
 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Substantial evidence is defined as: facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.