

Town of Burke
Plan Commission Minutes
February 23, 2011
5:30 p.m.

Members Present: Mike Vraniak, Chairperson; RJ Hess; Christie Legler; Marv Urban; and George Walsh. Excused: Joan Stoflet.

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

1. The meeting was called to order at 5:30 p.m. by Chairperson Vraniak.
2. Discuss /possible action concerning a CSM submitted by Larry Ter Maat for the purpose of dividing a 5.01 acre parcel into two separate lots (2.5 and 2.51 acres) property located at 6200 Sommer Valley Circle (parcel number 0810-044-9850-5).

Dan Paulson, Paulson & Associates, represented Mr. Ter Maat. Hess indicated that the Town would require a soils report on the newly created lot to make sure it is suitable for an on site septic system as was required on a similar land division in this subdivision. Paulson reported that the soils expert, Jeffrey Hammes, will be able to provide the report within a week.

Motion: Hess/Legler to recommend approval of the CSM to the Town Board with the contingencies in the letter dated February 22, 2011, from Daniel Everson of Dane County Zoning (copy attached) and contingent on the receipt of a soils report on the newly created lot from a soil system expert. Motion carried.

3. Discuss/possible action concerning a rezone request (from A-1 and A-B to C-2) and preliminary consultation regarding a preliminary plat submitted by JAD Land Development LLC, property located at 3370 Burke Road (parcel numbers 0810-243-4001-0, 0810-2434004-0, 0810-234-4007-0, 0810-243-4010-0, 0810-243-4013-0, 0810-243-4016-0, 0810-243-40190-0, 0810-243-4022-0, 0810-243-4025-0, 0810-243-40280-0 and 0810-243-4031-0).

Dan Birrenkott, Birrenkott Surveying, explained that the property owner wants to rezone portions of the property which are presently zoned A-1 and A-B to C-2. He also indicated that the owner will file a subdivision plat for this property in the future. Mike Lawton, attorney for the property owner, explained that they met with Roger Lane from Dane County and representatives from the City of Madison regarding the rezone. The City of Madison asked that retail uses be excluded since they envision this area as commercial. Tom Hanley indicated that he has an interest in putting higher end mini-warehouse storage facilities on the property. Hanley indicated that the units would not have electrical outlets and he would not allow outside storage. Hess expressed an interest in not allowing outside storage and in keeping all business activities inside the units.

Motion: Hess/Walsh to recommend approval of rezone petition # 10295 submitted by JAD Land Development, LLC from A-1 and A-B to C-2 with the following permitted uses from the applicant's LIST OF ALLOWABLE USES IN THE C-2 PORTIONS OF THE LAND TO BE DEVELOPED BY JAD LAND DEVELOPMENT LLC (copy attached) and restricting outside storage: 1. Major repairs to motor vehicles (all work must be contained in a building); 3. Sales, service and rental of recreation equipment; 5. Parking and storing of motor vehicles; 7. Warehouses; 8. Mini-warehouses; 11. Medical, dental and veterinary clinics; 12. Banks, offices, office buildings and condominium office buildings; 13. Laundries and dry cleaning plants; 14. Woodworking shops; 15. Machine shops; 16. Rental business; 17. Distribution centers; 18. Wholesale businesses; 20. Experimental laboratories; 21. Warehousing and storage incidental to a permitted use (internal storage only); 23. General, mechanical and landscape contracting businesses; 24. Storage maintenance and repair of items of construction equipment necessary for the operation of a general, mechanical or landscape contracting business; 28. Single family residence for an owner of the business or a caretaker (on Lot 11 only); 31. Residence for watchman or caretaker, subject to the granting of a conditional use permit; 32. Communication towers, subject to the granting of a conditional use permit; 33. Government uses, subject to the granting of a conditional use permit; 34. Agricultural uses, subject to the granting of a conditional use permit. In addition to the items approved from the applicant's list of allowable uses, the assembly of items subject to the granting of a condition use permit will also be allowed. Motion carried.

4. Update on the DeForest ETZ. Has not met since July 13th.
5. Approval of minutes from December 22, 2010. Motion: Hess/Legler to approve the minutes as presented. Motion carried.
6. Adjourn.

Motion: Legler/Walsh to adjourn. Meeting adjourned at 6:39 p.m. Motion carried.

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



Dane County Planning & Development Land Division Review

February 22, 2011

Paulson & Associates, LLC
136 W. Holum St.
DeForest, WI 53532

Re: Larry Termaat (preliminary CSM)
Town of Burke, Section 22
(2 Lot's, 5.0 acres)

Current zoning is A-1 for both proposed lots.

Attention: Dan Paulson

On February 22, 2011 the Zoning & Land Regulation Committee approved the preliminary certified survey map based upon the following conditions:

1. The document is to be completed in accordance with S.236.34, Wisconsin State Statutes.
2. The net lot area calculations are to be specified in square feet.
3. A notation is to be included that states: "Lands covered by this certified survey map are within an area subject to height limitations owing to the operation of aircraft and equipment from a nearby airport. Owners of lands within the area covered by this certified survey map are required by law to restrict the height of trees, other vegetation and man-made structures to less than the height limitations set forth in that certain map dated April 24, 2008, entitled 'Height Limitation Zoning Map, Dane County Regional Truax Field, Madison, Wisconsin', said map being on file in the Dane County Clerk's office."
4. A notation is to be included that states: "Lands covered by this certified survey map are located within an area subject to heightened noise levels emanating from the operation of aircraft and equipment from a nearby airport."
5. All owners of record are to be included in the owner's certificate. (County records indicate that LARRY CARL TER MAAT & KAREN PERSEN is the owner). *Spouse's signature and middle initials are required to provide valid certificates.*
6. The City of Madison approval certificate is to be satisfied with respect to the city's extraterritorial jurisdiction.

7. The required certificates are to be executed.
8. Dane County Surveyor approvals are to be obtained. When all revisions are complete, submit a copy to the Dane County Surveyor for technical review and approval.
9. The recordable document is to be submitted for review and approval.

When the above conditions have been fully satisfied, the original document may be submitted for final review. The proposed certified survey map will be scheduled for a future Dane County Zoning and Land Regulation Committee for approval. If approved the approving signature will be affixed by the Chair of the committee. Any questions regarding this letter, please contact myself.

Sincerely,

Daniel Everson
Assistant Zoning Administrator
267.1541

CC:
Clerk, Town of Burke
City of Madison Planning Division – Timothy Parks
Dane County Surveyor – Dan Frick

**LIST OF ALLOWABLE LAND USES IN THE C-2 PORTIONS OF THE LAND
TO BE DEVELOPED BY JAD LAND DEVELOPMENT LLC**

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.

1. Major repairs to motor vehicles
2. Sales, rental or leasing of new and used motor vehicles
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
5. Parking and storing of motor vehicles
6. Bulk fuel storage
7. Warehouses
8. Mini-warehouses
9. Sales and repair of lawn and garden equipment
10. Bicycle sales and service
11. Medical, dental and veterinary clinics
12. Banks, offices, office buildings and condominium office buildings
13. Laundries and dry cleaning plants
14. Woodworking shops
15. Machine shops
16. Rental businesses
17. Distribution centers
18. Wholesale businesses
19. Manufacturing and assembly plants
20. Experimental laboratories
21. Warehousing and storage incidental to a permitted use
22. Off-site parking of motor vehicles
23. General, mechanical and landscape contracting businesses
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

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27. Storage, maintenance and repairs of vehicles and school buses used in school bus and motor coach transportation businesses
 28. Single family residence for an owner of the business or a caretaker
 29. Utility services
 30. Mineral extraction incidental to grading, site preparation or development of the property
 31. Residence for a watchman or caretaker, subject to the granting of a conditional use permit
 32. Communication towers, subject to the granting of a conditional use permit
 33. Government uses, subject to the granting of a conditional use permit
 34. Agricultural uses, subject to the granting of a conditional use permit
 35. Outdoor storage and other activities incidental to any permitted use