

Town of Burke
Plan Commission Minutes
October 14, 2014
6:00 p.m.

Members Present: Steve Berg, Christie Legler (acting Chair), Marv Urban and George Walsh. Excused: Joan Stoflet and Mike Vraniak. Others Present: Brenda Ayers, Clerk/Treasurer. See attached list for other interested parties in attendance.

1. The meeting was called to order at 6:13 p.m. by Legler.

Motion: Walsh/Berg to take the meeting out of order and proceed to agenda item 4. Motion carried. Note: minutes are in agenda order, not meeting order.

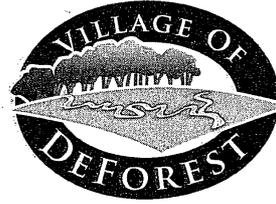
2. Discussion/possible action regarding an application for a Conditional Use Permit (CUP), Certified Survey Map (CSM) and Site Plan review with a variance for two driveways submitted by JSD Professional Services on behalf of Badger Utility and Shamrock Properties for the purpose of allowing trailer sales, rental and service and to create an additional trailer parking/storage lot. Property located at 4334 Daentl Road, DeForest. Parcel numbers 0810-053-8300-1 and 0810-053-8340-3. Jim Bricker, JSD Professional Services, explained that the current M-2 zoning on the property does not allow for the existing trailer sales, rental and service use on the property. Until 2007 this property was covered by Dane County Zoning Ordinances and the uses were permitted. When the Town and Village of DeForest formed the ETZ in 2007 the use was grandfathered in and now that changes are being made to the property, the CUP is required to bring the use into compliance. Bricker explained that they are working with Dane County for the wetland/stormwater issues. He further explained that a portion of the new lot will be used by an outside company for trailer drop off/pick up and will be gated with key fob type entry. He reported that the applicant is seeking a variance for a second drive to provide safe ingress and egress. Berg inquired about the stormwater plan and the concern of the gravel drive creating sediment in the drainage area. Hans Justeson of JSD explained that the design is required to handle water at the same rate as the existing land features and the proposed design actually has better flow rates. Berg inquired about the ownership of the property on the CSM. Badger Utility has a long term lease with a former business partner. Urban inquired about the location of the drives in proximity of the hill and the concern of traffic safety. Justeson explained that the drive is designed for the 25 mph to give ample time for a semi with trailer to leave the property prior to traffic coming over the hill reaches the area. Berg inquired about the increase in traffic due to semis with trailers entering and leaving the leased fifty space parking area. Richard Bloomquist (Badger Utility) stated that all fifty spots will not be turned over on a daily basis. Berg also noted that he liked the design of the ingress/egress of the lot on the plans and hopes the final product will be as designed. Bloomquist further explained that he has been a good business owner and neighbor by funding the natural gas and water main expansion and then left the meeting due to another commitment. Berg recommended that a \$2,000 annual road maintenance fee reviewable every five years is a condition of the CUP due to the anticipated increase in semi traffic on the road which is not a designated truck route. Legler inquired about the lighting in the lot. Dave Batterman (Badger Utility) explained that the plans include three poles with directional heads which is less lighting than there existing lot. Berg expressed his concern that only 90%

of runoff is going into the stormwater facility with 10% going to the green space. Berg also inquired about the maintenance of the stormwater facilities. Justeson explained that the County will require a recorded stormwater maintenance agreement. Motion: Welsh/Urban to recommend approval of the Conditional Use Permit to the Town Board with the following conditions 1) payment of an annual road fee to the Town- reviewable every five years 2) meeting conditions, requirements and obtaining permits required by the Village of DeForest, Dane County and the DeForest-Burke ETZ 3) meeting the ETZ landscape and fencing requirements of the ETZ as indicated in the staff report prepared by Rachel Holloway dated October 9, 2014 (copy attached). Motion carried. Motion: Walsh/Urban to approve the site plan including the recommendation that the Town Board grant a variance for two driveways with the following conditions: 1) the stormwater runoff on the trailer storage area is solely directed to the main detention facility away from the delineated wetlands. 2) satisfaction of the conditions recommended by the DeForest-Burke ETZ. Motion carried. Motion: Berg/Walsh to recommend approval of the CSM to the Town Board with the lot configuration as presented in a form to be approved by the Town Clerk. Motion carried.

3. Update on the DeForest ETZ. The ETZ held a Public Hearing regarding the Badger Utility submittal immediately prior to this meeting.
4. Approval of minutes from September 10, 2014. Motion: Walsh/Urban to approve the minutes as presented. Motion carried.
5. Adjourn. Motion: Berg/Walsh to adjourn. Motion carried. Meeting adjourned at 7:34 p.m.

Brenda Ayers
Clerk/Treasurer
11/07/2014

To: DeForest-Burke Extraterritorial Zoning Committee
FROM: Rachel Holloway, Village Planning & Zoning Administrator
DATE: October 9, 2014
RE: Expansion of a semi-tractor trailer sales, rental and service facility on Daentl Road (Badger Utility)



Requested Approvals: CSM, conditional use permit, and site plan approval for Badger Utility expansion

Location: North side of Daentl Road, immediately south of the Interstate, west of its Hwy 51 interchange

Current Land Use: Trailer sales/rental/service facility; proposed expansion area is cropland

Proposed Use: Outdoor storage yard for leasable trailers (expansion area), associated with the existing Badger Utility sales/rental/service business, which is east of the expansion area. Existing business is a grandfathered conditional use under ETZ zoning ordinance (original approvals under Dane County zoning).

Current and Proposed Zoning: M-2 General Industrial; in which "semi-tractor truck/trailer sales, rentals and service" uses are listed as conditional uses

Village and Town Comprehensive Plan's Future Land Use Designation: Industrial/Business Park

Surrounding Zoning and Land Use:

North and East—I-39/90/94, and across from it is B-2 General Business (Gander Mountain and Camping World); M-2 General Industrial (Deer Creek Seed, Diesel Forward, Madison All 4 You screen printing); A-1 Agricultural (cropped)

South and Southeast—C-1 Conservancy (DNR Cherokee Marsh Fishery Area); RE-2 (residences); A-1 Agricultural (cropped)

West—M-2 General Industrial (cropped land and one residence)

Project Background: Badger Utility has submitted plans to expand its semi-trailer dealership, in order to expand and rearrange space used for trailer rentals, storage, and sales. The company proposes to add a 10-acre storage yard west of the existing business location, the front part of which is proposed for 24-hour access serving a business customer. The storage yard expansion area would hold trailers for lease, and include a separate secured area for trailers leased by one of the company's biggest customers. This proposal would expand the operation from 15 to 25 total acres, and will enable the company to better arrange the current site area for trailer sales and customer circulation. The developed portions of Badger Utility's site, where sales and service occur, is at about 10-15 feet higher in elevation than the proposed expansion yard.

The applicants approached Village staff in early September, and later in the month a site visit was done with the applicants and the Town Clerk. The applicants have modified the original plans in response to comments. Plans have been submitted to Dane County for a stormwater permit.

The project will require approval by the ETZ Committee of a conditional use permit (by resolution, following a public hearing) and a site plan. The project will also require County, Town, and Village Planning and Zoning Commission approval of a certified survey map (CSM). While an intergovernmental agreement between Vienna and DeForest shifted Village CSM approval to that ETZ Committee, there is yet no similar arrangement between Burke and DeForest. The Town Plan Commission and Town Board will meet later this month to review and act on these requests. The Village/ETZ zoning ordinance favors Town action being completed on CUPs prior to the ETZ Committee taking action. The Town is also reviewing a Town driveway ordinance variance request to allow two additional driveways to serve the expanded business.

Recommendation: Following the public hearing, I recommend that the ETZ Committee postpone action on the conditional use permit and site plan approval applications. Postponing action will enable time for Town review, gaps to be filled and adjustments made to site plan submittals, and public hearing comments addressed.

Analysis of Applications

APPLICABLE REVIEW/STANDARD	EVALUATION	COMMENTS
REVIEW AGAINST VILLAGE COMPREHENSIVE PLAN STANDARDS		
Consistency with Comprehensive Plan's Future Land Use Map designation.	Met	This area is planned for Industrial/Business Park use. <u>In general, the use and site layout seem appropriate for the area, which should not be overlooked when reading the detailed comments that follow.</u>
Consistency with development design standards (pp. 133-135)	Met, subject to comments to right on standards where additional work is advised	<p><i>"High quality landscaping treatment of bufferyards, street frontages, paved areas and building foundations."</i>—Proposal would landscape the Daentl Road frontage for the expansion area, but no additional or revised landscaping is proposed for the frontage adjacent to the existing business site. The problem with additional landscaping here is lack of available space at grade on the site, and power lines.</p> <p><i>"Screening where industrial uses abut non-industrial uses, in the form of hedges, evergreen trees, berms, decorative fences or a combination."</i>—The Daentl Rd. frontage of the existing developed portion of the site has a chain link fence in poor repair. The interior of the site is highly visible from the street and properties south of Daentl. I recommend replacing this fence with an opaque, no-maintenance fence 6-8 feet in height.</p> <p><i>"Complete screening of all loading areas, outdoor storage areas, mechanical equipment, and dumpsters using berms, hedges, or decorative walls or fences."</i>— See above comments. Also, some landscape buffering between the new storage yard and the land to the west is warranted; this is an existing residence and planned/zoned industrial area. Some improved treatment along the Interstate frontage of the existing operation is also warranted in my opinion.</p>
Consistency with transportation, environmental, economic development, and other standards	Met, subject to Town approval of new driveways	Project enables an existing business to grow in the Burke-DeForest area. Applicants have planned around wetlands on site; however, wetlands and their 75' buffer areas are designated as environmental corridor by definition, and the Plan discourages impervious surfaces in the environmental corridor. Plan favors access control, but Daentl Road is not an arterial or collector street where access control is most critical.
REVIEW AGAINST CONDITIONAL USE PERMIT STANDARDS [SECTION 15.16(3)(F)]		
Consistent with zoning code, not adversely affecting public health, safety or welfare	See comments below	

APPLICABLE REVIEW STANDARD	EVALUATION	COMMENTS
Not hazardous, harmful or otherwise adverse to environment or to the use/value of nearby properties or the community	Review pending, subject to screening and road management	Site and surrounding area is already zoned for industrial use. See comments elsewhere on screening. Truck traffic and associated road and noise impacts may be the most significant impacts. The applicant should share how many truck trips per day the operation generates, and how much that will increase with the proposed expansion. Time of day would also be important, as the expansion area is proposed for 24-hour-per-day use. Late night use could impact the use and value of nearby residential property.
Compatible with existing uses/structures on surrounding properties	Met, with comments	Use is compatible with existing surrounding land uses, provided that noise, visual impacts, and trucking activity are managed.
Designed and operated to minimize adverse effects, including visual, on surrounding properties and community	In progress	Don't think this is adequately addressed yet—see comments on screening and truck access/volumes.
Adequate ingress and egress to minimize traffic congestion and problems	Met, subject to condition	Overall, site provides for adequate access to, from, and within the site, and should reduce problems related to trucks/trailers turning around at the end of Daentl Rd when they miss the existing entrance. I believe that the expansion area could be adequately served by one new driveway instead of two, with any required maneuvering adjustments from the reduction taking place on site. There are also wetland issues that favor one driveway.
Adequate utilities, access roads, drainage and other site improvements	Pending further review	No new public utilities would be needed. Project is required to meet Dane County stormwater management requirements. Daentl Rd. is a Town road that is not a designated truck route. The Town has concerns that, without adequate protections, Daentl Road could receive excessive wear as a result of the expansion and associated trucking activity. For other projects involving significant trucking activity, the Town has required payment of an annual fee to compensate for excess road wear as a condition of conditional use permits. That approach could be taken here too.
Compatible with Comprehensive Plan and Neighborhood Plan	Met, subject to conditions related to design and access	See above for Comp Plan notes. No neighborhood plan for area.
Other applicable requirements for the district	See analysis below	

SITE PLAN REVIEW, GENERAL STANDARDS (SECTION 15.05(4) AND (8) OF ZONING ORDINANCE)		
Site plan submittal complete?	Needs work	Site plan is missing some required elements, including lighting plan (including locations, design, and photometrics), fencing/gate details (including height, materials), clearer labeling of green space vs. other surfacing, and percent of site to be impervious surface versus green space (min. 20% of expansion lot in green space). Landscape plan does not yet have all required elements. Some plan sheets are inconsistent with one another. Project understanding would be clearer with a site sketch for the entire site as it would function post-expansion, to clarify how the existing and proposed parts of the site will relate to each other, show the proposed areas for storing sales-trailers, locations of all power lines, and in general label the areas for storage, sales, service, and other uses.
Adequate provisions made to assure safe and efficient vehicular and pedestrian traffic flow to, from & within site	Met in concept, subject to conditions	Proposal shows access drive between the two site areas (existing + addition yard). Traffic flow is logical with the goal of having a separate secure leased area at the front of the expansion area. However, to meet this standard, I advise only one new driveway access to Daentl Rd (max 45 ft wide at property line, 50 ft at street pavement line).
Use can be efficiently provided with public utilities & development according to plan will not create unreasonable burden on public services/utilities	Met	No changes to utilities proposed, and Village Public Works Director has no concerns.
Storm water runoff will not be diverted from existing points of exit from the site & rates and velocity will not be increased	Under evaluation	Is under review of the County. Meeting County ordinance standards will meet this standard.

All areas designated as wetlands, flood plains, flood ways or habitats for endangered wildlife will be preserved, or will be properly mitigated	Not yet met; see comments to right	A wetland has been identified near the southwest corner of the expansion area. The applicant should verify DNR approval of the wetland delineation. CARPC's definition of environmental corridors includes all wetlands and a 75' buffer around each wetland. Once a wetland is discovered, that wetland and its 75' buffer becomes an environmental corridor. Generally, no buildings or other impervious surfaces are permitted within the environmental corridor. The applicant's plans show only a 18' setback around the wetland. This should be increased, which also may work in tandem with the recommendation to reduce to one driveway to Daentl and would provide a convenient snow storage area. Otherwise, stormwater plan should help infiltrate water, and protect the Token Creek drainage area to the south (an identified asset for cold- and warm-water fishing).
Mature woodlands and mature trees will be preserved, or will be properly mitigated	NA	5-6 mature trees have been removed from the site, but these were non-native, invasive species to which the mature tree preservation standards do not apply.
Natural features disruption will be avoided to the greatest extent practicable & such features will be incorporated into the design to extent feasible	Not yet met given 18' buffer shown	See comments on wetland above.
Sufficient access and facilities shall be provided for emergency vehicles and fire protection	TBD	In general, facility is being designed to accommodate large trucks and trailers, so emergency access ought not to be an issue. The applicant should address how emergency vehicles could access the secured lease area. However, before any site plan approval takes effect, I advise that the Sun Prairie Fire Department verify that the site arrangement meets this standard.
Trash storage areas, storage for more than 10 vehicles, truck parking, HVAC equipment, flammable liquid or gas storage tanks, and loading docks are screened	Needs attention	In my view, at least some additional screening of the expansion/ storage lot is needed to meet this standard. I recommend trees (at least ½ evergreen), or a combination of trees and fencing, along the west side of the expansion lot. The existing facility does not meet this standard, which is why I advise an opaque fence along Daentl Dr in place of the deteriorating chain link fence in this area. Also, at the existing driveway to the site, there is a trailer stored outside of the fenced area. The applicant should indicate whether this is some sort of staging or after-hours pick up area. If not, that area ought to be free from storage, in my opinion.
Pedestrian areas shall be distinguished from vehicular traffic areas, lighted & accessible	Met to the extent applicable	Site will generate little to no pedestrian activity.

For 12+% slopes, adequate engineering measures have been taken to assure stability	Part of grading/ stormwater management review	There is an approximately 4:1 slope at the southeast edge of the expansion area.
Public facilities meet Village design standards	NA	No public sanitary sewer or water connection anticipated.
Site development will not unreasonably impair the aesthetic appearance of the property or area, interfere with reasonable use or enjoyment of neighboring properties, significantly impair the value of other properties in the area, impair reasonable pedestrian access and circulation, or result in an unattractive collection of materials	Met, subject to comments	See earlier comments.
All reasonable measures have been taken to protect safety of occupants, visitors, and public	Yes	Project will be subject to state permits. Sun Prairie Fire Department will review. See comments on freestanding sign below.
Building meets following minimum percentage of exterior walls covered with brick, stone, tinted or textured concrete masonry, or other decorative material approved by Commission: • B-1, B-2, B-3, RM-B, O-R: 35% • RM-3, RM-4: 25% • M-1: 20% • M-2, M-3: 15%	NA	No buildings proposed, and no structures except for fencing.
Where zoned B-2/B-3, <50% of parking shall be between building & primary street where possible	NA	
Commercial, industrial, multi-family and mixed use structures with facades >100 feet shall be articulated to reduce scale & uniform appearance	NA	
REVIEW AGAINST OTHER ZONING ORDINANCE STANDARDS		
Large retail establishments (\$15.05(9))	NA	

Landscaping (§15.06)	Good start, but needs to be finished	Landscape plan is still preliminary—it does not yet match the revised site layout, lacks the mature sizes of proposed plantings, and lacks a tally of landscaping points provided versus ordinance point requirements. Trees should be added along the west edge of the new lot, next to the existing house. Arborvitae should be considered a “medium” evergreen tree, and therefore should have a minimum 4’ height. Show existing power line locations on landscape plan. Zoning ordinance requires a 2-year guarantee for all plantings, so that should be reflected in the revised plan. Existing vegetation along Daentl Road is scrubby and generally of poor quality. That area could look much better, and would if the existing chain link fence (upon which plants have taken residence) were replaced by a new opaque fence in this same area. The existing developed site looks somewhat disorganized from I-39, and this area would benefit from improvements—but establishing this area for sales inventory only, and site reorganization possible with expansion, may help.
Exterior lighting (§15.065)	Need lighting plan	Still need a lighting plan that shows locations of lights, with enough details to confirm fixtures will be adequately shielded (provide catalog cut sheets for the fixtures), will meet height limit (35 ft), brightness standards (maximum 0.5 footcandles at all lot lines).
Parking lot design (§15.07(2))	Pending	The circulation and storage areas of the expansion area are proposed for gravel surfacing. The ETZ Committee may allow for gravel in the ETZ area, as well as no curbing. I am prepared to support gravel for the vast majority of the expansion area, and no curbing throughout. I do recommend that the area between Daentl Road and the security fence be surfaced with asphalt. This will prevent the tracking of gravel onto the public street, facilitate snow plowing, result in less maintenance in this heavier-trafficked area, and present a more finished appearance along Daentl Rd.
Parking space quantities (§15.07(4) & (5))	Met, in my opinion	Ordinance indicates that parking for this type of non-building commercial use is at the determination of the Zoning Administrator. In my view, the property has adequate space and the expansion should free up space in the main site.
Loading (§15.07(3))	NA for expansion area	No loading docks in expansion area. New fencing advised adjacent to existing area will help screen.

Driveways, access, sight distance (§15.07(7))	Met specific standards, but see earlier comments relative to CUP and site plan standards	As proposed, site would have 3 access points after completion. See earlier comments. There are no driveways across Daentl, so alignment is a non-issue.
Signs (§15.08)	See comments. Any signage will require approval from Village	Signage is not proposed, but some directional signs may be needed to guide drivers. Applicants should consider where signage is likely to be needed. Signs would require sign permit from Village and approval from Town. In my opinion, a trailer is being used mainly as a sign along the Interstate; signs mounted on vehicles are not permitted by ordinance.
Zoning District Bulk Standards (Table 15.10B, 15.11B, or 15.12B)	Met	Applicants should confirm the expansion area will have the minimum of 20% green space. Maximum driveway width in M-2 zone is 45 ft at property line and 50 ft at curb/street. Fencing does not require a setback.
Environmental and performance standards (§15.04(12), §15.12(2))	Subject to ongoing compliance	
REVIEW AGAINST OTHER VILLAGE ORDINANCES		
Wellhead Protection (Sec. 15.20)	NA	Not in wellhead protection area.
Floodplain (Chp. 21)	NA	No floodplain on site.
Erosion Control/Stormwater Mgmt (Ch. 24)	NA	Subject instead to County stormwater management ordinance. Applicants are asked to provide Village with a copy of the stormwater permit, once approved.
Shoreland-Wetland Zoning (Ch. 25)	NA	Chapter 25 NA outside Village limits.
Shoreland Zoning (County code)	NA	Not in shoreland zone.