

Town of Burke Plan Commission Meeting Minutes
Wednesday, July 12, 2017
5:30 p.m.

Commission members in attendance: Steve Berg, Joan Stoflet, Marv Urban, and George Walsh. Excused: Christi Legler, Jodi Nachtwey, and Mike Vraniak. Also in attendance Teri Saxon, Deputy Clerk/Treasurer. See attached list for other interested parties in attendance.

- 1) The meeting was called to order at 5:33 p.m. by Berg.
- 2) Discuss/possible action on a proposed Conditional Use Permit (CUP) #02385 for mineral extraction submitted by William Ziegler on behalf of Sun Prairie Concrete. Property located at 5067 Reiner Rd (parcel number 0810-264-8001-8). Prior to the meeting, the applicant was contacted and advised that the Plan Commission would more than likely table action on this application to allow additional time to review and consider recent correspondence received by the Town. Paul Johnson, representing Sun Prairie Concrete, introduced himself along with John Belken, engineer, and Dennis Cook, applicant. Johnson wanted to clarify that Dennis Cook is a managing member of Sun Prairie Concrete and the applicant not William Ziegler. He anticipated that the CUP may be tabled until the next meeting and thanks the commission for the opportunity to make a short presentation. Sun Prairie Concrete owns 29 acres and was a sandstone quarry up until 2016 when the CUP's expired. Sun Prairie Concrete is requesting the town and county to grant them a CUP. Most importantly is to extract minerals specifically sand and gravel and to move piles of materials on the property for a period of time. Johnson stated they were surprised by the letter the Town and county received from the City of Madison in opposition to the CUP. Johnson further stated the city is opposed to the expansion because of the Veridian Homes developments of Village of Autumn Lake and Woods Farm. He wanted the commission to note the letter from Veridian Homes stating no objection and in support of the CUP. Johnson indicated that in the future Veridian will be in need of a place to dump fill and having the quarry in close proximity will save truck traffic on Reiner Road. They are requesting a five year CUP to extract minerals and reclamation.

Motion: Berg/Stoflet to table the conditional use permit (CUP) #02385 application submitted by Sun Prairie Concrete until the next plan commission meeting. Motion carried.

- 3) Discuss/possible action on a rezone petition from RH-2 to A-2 and Conditional Use Permit (CUP) for a limited family business submitted by Mark Bursaw A-1 Landscaping for the purpose of operating a landscaping business at the residence located at 5009 Thorson Road, Sun Prairie (parcel number 0810-361-8190-2). Mark Bursaw introduced himself and his wife Chrissy as the applicants and owners of A-1 Landscaping a small landscaping business. They are present to answer any questions the Commission may have. Stoflet asked if he had purchased the residence. Bursaw responded that they have an accepted offer and will be closing soon. Stoflet questioned if they would still purchase the residence if the CUP is not granted. Bursaw indicated they would still purchase the residence. Berg instructed the applicant of the Six Standards of A Conditional Use Permit (section 10.255(2)(h) of Dane County Zoning Ordinance) and if one of the conditions are not met the CUP will not be recommended to the Town Board. Berg indicated the commission has received a petition signed by 10 neighbors and an additional letter expressing concerns about a business going into the neighborhood.

Standard 1: That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare. Stoflet indicated that looking at the property it would not interfere with others and would not be detrimental. Walsh indicated he does not foresee any issues or problems concerning welfare and safety. Bursaw stated that he understands the concerns of the neighbors and he also does not want increased traffic or to create an industrial commercial look. He further stated that he has been in business for 17 years and has only increased neighboring property values. Berg stated the petition pointed out the concerns of run off from materials or machinery leaks and contaminating the drinking water. Berg inquired as to what materials would be kept on site. Bursaw indicated clean dirt and rock would be kept on site. Bursaw added that the water was tested and fecal matter was found in the water and he plans to remove the horse manure from the property. Berg asked if the fecal matter was indicated by the presence of phosphates or were you told by someone. Bursaw said he was told. Berg recommended that he find out so when it comes before the Town Board it could be addressed.

Standard 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. Berg raised concern from the letter submitted to the commission in regards to the business would create an eyesore, noise pollution from commercial machinery, i.e. dump truck, three bobcats and approximately three other work vehicles, and a potential hazard from piles of stone, brick, mulch and other landscaping items. He also raised concern supported by a letter from a realtor that property values would be decreased with the close proximity to such a business. Bursaw stated that he has three bobcats. One bobcat is for snow removal and used in the winter time, one is for back-up and stored in the shed, and the other is on the job trailer and taken to the job site. A typical work day would be my employee arrives and leaves in the job truck with trailer. I leave with dump truck or pickup and we are on the job site for the day. As far as decrease of property values, I plan to only increase the property values. Walsh inquired as to on-site fuel storage. Bursaw indicated that he has a diesel fuel tank in the back of his work truck to fuel the bobcats. Berg expressed concern of eyesore for spillage of materials in storage bins. Bursaw indicated the storage of materials, in addition to clean dirt and stone, is for excess special order materials that cannot be returned. Walsh inquired about salt and sand storage for winter work. Bursaw stated he has a salter for the truck but that he purchases salt as needed and is not in a position to store salt.

Standard 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. Berg stated that it is hard to determine the normal and orderly development and improvement of surrounding property for uses permitted in the district when uses in the district vary from lot to lot.

Standard 4: That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. Urban inquired as to the number of trucks A-1 Landscaping currently has. Bursaw indicated that he has six business trucks. In addition to the F250 work pickup, they will be stored in the storage shed.

Standard 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. Berg expressed the concerns of neighbors for increased traffic due to commercial vehicles. Bursaw indicated that the traffic would be normal residential traffic with one employee for the business. Berg noted that any improvements to the driveway will need to go through the Town's public works department.

Standard 6: That the conditional use shall conform to all applicable regulations of the district in which it is located.

After discussion it was the consensus of the Commission that the Six Standards of a Conditional Use Permit (Section 10.255(2)(h) of Dane County Zoning Ordinance were met.

Motion: Walsh/Urban to recommend the rezone and the CUP permit with the following conditions:

- a. Contingent on the conditions, rules and permits of the City of Madison, Dane County, Town of Burke and the State of Wisconsin
- b. Meet with the Town of Burke Public Works Department to access the driveway and what is needed for the type of equipment used and follow-up and do what they say
- c. No permanent vehicle storage outside
- d. Material storage be limited to the facilities proposed on the site map and would consist of sand, gravel, stone and dirt; and nothing detrimental to the soil or environment. Motion carried.

Berg recommended the Bursaws work on public relations with the neighbors between now and the public hearing.

- 4) Update on the DeForest ETZ. Nothing to report.
- 5) Approval of Minutes from May 10, 2017. Motion: Walsh/Stoflet to approve the minutes as presented. Motion carried.
- 6) ADJOURNMENT. Motion: Walsh/Urban to adjourn. Motion carried. Meeting adjourned at 7:21 p.m.

Teri Saxon
Deputy Clerk/Treasurer
August 4, 2017