

Town of Burke Plan Commission Meeting Minutes
Wednesday, April 4, 2018
5:30 p.m.

Commission members in attendance: Acting Chair, Steve Berg, Jodi Nachtwey, Joan Stoflet, Marv Urban. Excused: Mike Vraniak and George Walsh. Also in attendance Brenda Ayers, Administrator/Clerk/Treasurer. See attached list for other interested parties in attendance.

- 1) The meeting was called to order at 5:30 p.m. by Acting Chair Berg.

- 2) Discussion/possible action on an application for a Conditional Use Permit (CUP) submitted by Zignego Ready Mix for a ready mix plant on the property located at 5356 Felland Road (parcel number 0810-234-8500-0). Zignego stated that they have revised their plan since the preliminary consultation to include an evergreen and hardwood barrier from the park property and cleaned up the verbiage in the application. They also spoke with the neighboring property owner. Urban inquired about the for sale sign on the property. Zignego responded that they have submitted an offer contingent upon obtaining the appropriate approvals. Berg noted concerns about past applications submitted by perspective buyers. Ayers noted that those concerns were related to rezones. If the Zignegos obtain approval from the Town and County but do not purchase the property, the CUP will become null and void.

Berg read each of the six standards of a conditional use permit from the Dane County Zoning Code, allowed discussion on each and asked for a vote on each to determine if the standard was met or not met.

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.

Comments: Berg noted that there will be additional screening along the railroad tracks to address the concern raised by Vraniak at the preliminary consultation meeting. He also noted that the batch operations occur indoors.

Nachtwey noted that she was pleased with the addition of the screening along the railroad tracks and inquired if vegetation will be removed from the berm. Zignego stated that they intend to leave as much vegetation as possible and also noted that due to the elevation, the berm itself provides a natural screening.

Berg inquired about dust control on the property. Zignego stated the dust is controlled using a sweeper and water as needed. Usually this is done with on-site equipment but they occasionally use a subcontractor.

Berg inquired if the high water usage will impact neighboring wells. Zignego said they currently have three sites with wells. He further stated that lack of water is usually not a concern in Wisconsin but if neighboring wells are impacted they would be responsible for remediation. He also stated that the well water is used for batch

operations and recycled water from the retention pond is used for cleaning of the site and equipment.

Vote: Met: 4 Not Met: 0

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.

Comments: Berg noted that at the previous meeting a concern was raised by Vraniak regarding the effect of the noise on the enjoyment of the users of the Town Hall Park. He also stated that according to the application the building will be insulated. Berg further noted that Town ordinances prohibit construction noise after 9:00 p.m. Zignego stated that most of their sites do not operate at night; however, there may be occasions when a job may require them to work in the evening. Zignego further stated that West Allis's noise ordinance required them to measure the decibels of the noise and nothing could be heard from 1500 feet away. He further stated that they met the noise requirements of West Allis and a portion of the batch plant is operated outside at that plant. Nachtwey inquired if the truck noise was measured as well. Zignego responded that it was included in the measurements.

Berg stated that according to the application the plant will be on the north-eastern most corner of the lot keeping it the furthest from residents as possible. Nachtwey asked if there are any future plans to extend the site. Zignego stated that there are no plans at this time.

Vote: Met: 4 Not Met: 0

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.

Comments: Berg stated that the Town's and the City of Madison's future land use plans show this property as residential. It was noted that the property is currently zoned A-1 and a ready mix plant is allowed in this zoning district with a Conditional Use Permit. Berg also noted that at the previous meeting Zignego said he spoke with Tim Parks with the City of Madison and the City did not have any concerns about the proposed use. Ayers stated that she also spoke with Tim Parks and he pointed out that the City does not have any review authority in this matter because it does not meet the definition of development in the Cooperative Plan. However, Parks indicated that it is unlikely that there would be residential development on the lot due to the uses on the neighboring properties (landfill and asphalt plant).

Urban inquired if the applicant had contacted neighboring property owners. Zignego stated that he had and the owners were generally in favor of the use as long as the property was screened.

Urban and Berg inquired about the screening along Nelson Road and the concern of blocking the view of the traffic and railroad tracks. Zignego said they will remove anything that blocks the vision triangle. It was also noted that the railroad tracks are not signalized.

Vote: Met: 4 Not Met: 0

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.

Comments: Nachtwey asked Zignego to put into perspective the amount of water used by the well on the plant. Zignego stated the amount of well water used is similar to filling a residential swimming pool. Zignego further stated that water from the site will drain to an on-site retention pond and that water will be used to control dust and clean equipment.

Berg noted that the ingress/egress including any turn lanes would need to be reviewed and approved by Ron Kurt of the Public Works Department in accordance with the driveway permit process.

Vote: Met: 4 Not Met: 0

5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

Comments: Berg noted that this standard was covered in standard 4.

Vote: Met: 4 Not Met: 0

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

Comments: Berg noted storm water management concerns. Zignego stated that they will be required to obtain a permit from the DNR. Nachtwey stated that there appears to be wetlands on the lot. Zignego stated they will need to obtain wetland delineation prior to proceeding. He also noted that they chose the northeast corner for the plant to avoid disturbing the wetlands.

Vote: Met: 4 Not Met: 0

The Commission and applicants discussed the conditions to be placed on the CUP.

Motion: Urban/Stoflet to recommend approval of the CUP with the following conditions: 1) The operator shall take reasonable measures to control dust on the property 2) The site and driveway shall be paved 3) Fuel storage tanks on site shall meet applicable State and Federal standards 4) Hours of operation shall be 6:00 a.m. to 8 p.m. Monday through Friday and 6 a.m. to 2 p.m. on Saturday. Occasional

operations may be necessary in the event of emergencies and to meet contractual obligations. If hours of operations are extended for a period of five (5) days or more, the operator shall provide a written notice to the Town Clerk no less than 24 hours in advance of extending the hours of operation. 5) Outdoor lighting on the property shall be down cast to minimize impact on neighboring properties. 6) Landscaping screening shall be located in accordance with the application (map attached). 7) Existing trees on the undeveloped area of Nelson Road shall be undisturbed unless they interfere with the vision triangle of the ingress and egress.

- 3) Discussion/possible action on a two-lot Certified Survey Map (CSM) and rezone petition from RH-1 to R-1 submitted by Bryan Stueck, Birrenkott Surveying Inc. on behalf of Experior Properties for the purpose of creating two residential lots. Property located at 6265 Portage Rd (parcel number 0810-031-4234-6). Dan Birrenkott provided an updated zoning map and CSM noting that they had tweaked the septic easement area. The easement area on the original maps was larger than required. Urban inquired about the reason for the rezone. Birrenkott explained that RH-1 is for properties that are 2 acres or more and the lots will be less than 2 acres. Berg inquired if a perc test had been completed. Birrenkott replied that it had been completed on the new lot. He also noted that a joint septic agreement will be recorded since the septic goes over the lot line. Berg questioned the bend in the septic area. Birrenkott noted that it is straight toward the vents. Motion: Stoflet/Nachtwey to recommend approval of the CSM and rezone from RH-1 to R-1. Motion carried.
- 4) Discussion/possible action on an application for a Conditional Use Permit (CUP) submitted by David Vine, Oppidan Investments, on behalf of Camping World for indoor display of eight (8) recreational vehicles and installation of two (2) kiosks on the property located at 6199 Metro Drive (parcel number 0810-054-0310-0). Joe Herter, Marketing Director of Gander Outdoors, explained that Gander Outdoors is now owned by Camping World Holdings and they would like to display recreational vehicles for sale in the Gander Outdoor building. Interested buyers would be directed to the Camping World building to make the purchase. There is a walkway between the stores.

Berg read each of the standards of a Conditional Use Permit in the DeForest Zoning Code (ETZ) and asked for a vote at end of each discussion to determine if the standard was met or not met.

1. Will be consistent with the purposes and intent of the zoning code, and will not adversely affect the public health, safety or welfare;

Comments: None.

Vote: Met: 4 Not Met: 0

2. Will not be hazardous, harmful or otherwise adverse to the environment or to the reasonable use and value of nearby properties or the community in general;

Comments: Display will be indoors and no sales or repairs will occur on site.

Vote: Met: 4 Not Met: 0

3. Will be compatible with the existing uses of, and structures upon, surrounding properties, and will not impede the normal and orderly development and improvement of other properties for uses permitted in the district;

Comments: Neighboring properties include Camping World.

Vote: Met: 4 Not Met: 0

4. Will be designed and operated in a manner which minimizes adverse effects, including visual impacts, on surrounding properties and the community as a whole;

Comments: None.

Vote: Met: 4 Not Met: 0

5. Provides adequate means of ingress and egress so as to minimize traffic congestion in the public streets and will not cause any significant traffic problems;

Comments: Potential buyers will use existing walkway between Gander Outdoors and Camping World.

Vote: Met: 4 Not Met: 0

6. Has, or makes provision for, adequate utilities, access roads, drainage and other necessary site improvements;

Comments: Indoor display only. A walkway exists between the properties.

Vote: Met: 4 Not Met: 0

7. Will be consistent with the applicable Comprehensive Plan and any adopted Detailed Neighborhood Plan for the area in which it is located;

Comments: None.

Vote: Met: 4 Not Met: 0

8. Conforms to all other applicable requirements for the zoning district in which it is located, and all applicable standards in §§15.11 and 15.12; and

Comments: None.

Vote: Met: 4 Not Met: 0

Motion: Berg/Stoflet to recommend approval of the CUP to allow indoor display of eight (8) recreational vehicles at the Gander Outdoor property, 6199 Metro Drive. Motion carried.

- 5) Update on the DeForest ETZ. Meeting on April 10 at 5:30 p.m.
- 6) Update on items that previously appeared before the Plan Commission. Berg reported that the Town Chair appointed him, Nachtwey and Ayers to a committee charged with reviewing the changes to the CUP law and recommending changes to current procedures.
- 7) Approval of minutes from January 31 and February 7, 2018.
Motion: Stoflet/Nachtwey to approve the minutes as presented. Motion carried.
- 8) ADJOURNMENT. Motion: Stoflet/Urban to adjourn. Motion carried. Meeting adjourned at 7:39 p.m.

Brenda Ayers
Administrator/Clerk/Treasurer
Town of Burke
04/23/2018