

**TOWN OF BURKE
RESOLUTION NO. 03152023C**

**RESOLUTION BY THE TOWN OF BURKE BOARD OF SUPERVISORS
APPROVING A CONDITIONAL USE PERMIT (CUP) WITH CONDITIONS
SUBMITTED BY MATT HUNTER TO OPEN A TYPE 1 LICENSED SALVAGE
YARD AT 4281 ACKER ROAD, TOWN OF BURKE, WI.**

WHEREAS an application for a Conditional Use Permit for a Type 1 licensed salvage yard along with related activities on the property located at 4281 Acker Road, parcel number 0810-084-9680-3 and 0810-084-9688-5 was submitted to the Town of Burke for review and action by Matt Hunter, dba Madison Auto Recycling LLC for the purpose of a Type 1 Salvage Yard; and

WHEREAS, the Plan Commission has reviewed the application; and

WHEREAS, a Public Hearing was held on March 1, 2023; and

WHEREAS, the Plan Commission recommends the Town Board approve the Conditional Use Permit with conditions; and

NOW, THEREFORE, the Town Board does hereby recommend the CUP with Conditions as follows:

Standard CUP Conditions. The town board and zoning committee shall impose, at a minimum, the following conditions on any approved conditional use permit, which are common across all CUPs:

- 1) Any conditions required for specific uses listed under s. 10.103 (see list below).
- 2) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 3) New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
- 4) The applicant shall apply for, receive, and maintain all other legally required and applicable local, county, state, and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
- 5) Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state, and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
- 6) Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
- 7) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 8) Off-street parking must be provided, consistent with s. 10.102(8).
- 9) If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by

the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

- 10) The Zoning Administrator or designee may enter the premises of the operation to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
- 11) The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
- 12) The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
- 13) Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

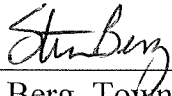
Conditions Unique to CUP 2590. Potential conditions of approval specific to CUP 2590 (note that these are DRAFT conditions subject to deliberation and modification by the Plan Commission and Town Board):

- 1) This conditional use is strictly for Matthew Hunter, doing business as Madison Auto Recycling, LLC located at 4281 Acker Road in the Town of Burke.
- 2) Owner must provide sanitary facilities such as well and septic.
- 3) The Town Board and Plan Commission approve the following hours of operation.
 - 8:00 a.m. to 5:00 p.m., Monday through Friday
 - 8:00 a.m. to 12:00 p.m., Saturday.No outdoor operations of any kind shall take place on Sundays or legal holidays.
- 4) Property must be screened with privacy fencing per photo provided in application such as corrugated steel panels. The fence shall be painted in a consistent color. Front fence will be 6 feet in height and 8 feet on the sides with no fence in back where the 8-foot berm already exists.
- 5) Dismantling of vehicles shall take place inside the building.
- 6) All business vehicles and machinery shall be kept in running condition and in good maintenance.
- 7) Driveway improvements must be permitted by the Town and must be with stormwater run off in mind. Neighbor properties must not be negatively impacted. There shall be an asphalt apron, size and placement approved by the Town engineer, to mitigate mud and gravel to travel out onto Acker Road.
- 8) Property must contain lighting.
- 9) Outdoor signage must meet Dane County zoning requirements.
- 10) Owner shall meet DNR standards for indoor and outdoor storage of salvaged vehicles.
- 11) An on-site hazardous material spill containment kit large enough to capture a complete spillage is required.
- 12) Outdoor storage of salvage materials, merchandise, vehicles, and equipment shall be done in an orderly manner.
- 13) The existing trees bordering the property shall be maintained and serve as screening between the outdoor storage areas and adjoining properties.
- 14) All hazardous materials or liquids must be stored properly.
- 15) Fuel storage. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.

- 16) The applicant shall apply for and receive all other required local, state, and federal permits including stormwater runoff permits for auto repair and auto salvage.
- 17) The conditional use permit shall be for a Type 1 License Salvage Yard only.
- 18) The ConditionalUse Permit (CUP) shall expire should Madison Auto Recycling LLC be sold or leave the property for any reason.
- 19) There will be no car crushing at this location.
- 20) There will be no vehicle storage (stacking) higher than fence height in front.
- 21) Screening of current trees or replacement with arborvitaes in front of fence between Acker Rd and fence is required.

The above Resolution was duly adopted by the Board of Supervisors of the Town of Burke, Dane County, Wisconsin, at a meeting on March 15, 2023.

APPROVED:

By 
Steve Berg, Town Supervisor

ATTEST:


PJ Lentz, Town Clerk/Treasurer