

TOWN BOARD ACTION REPORT - CONDITIONAL USE PERMIT

Regarding Petition # 2290 Dane County ZLR Committee Public Hearing 10/28/2014

Whereas, the Town Board of the Town of Burke having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one): APPROVED

DENIED (IF DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

PLANNING COMMISSION VOTE: 6 In Favor 0 Opposed

TOWN BOARD VOTE: 5 In Favor 0 Opposed

Whereas, in support of its decision, the Town Board has made appropriate findings of fact that the standards listed in section 10.255(2)(h), Dane County Code of Ordinances, and section 10.123(3)(a), if applicable, are found to be (check one):

SATISFIED

NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):

See attached Resolution 11192014 D.

Note: The Town Board conditionally approved the CUP on October 15th. Prior to the ZLR Public Hearing, City of Madison staff noted a Railroad setback issue and the applicant revised the site plan to correct this issue. In addition, the applicant noted a change in the hours of operation of the restaurant portion of the building from 10am - Midnight to 6am - midnight so the item was deferred back to the Town. On November 19, 2014, the Town Board reviewed the revised site plan and change in hours of operation. The Board unanimously adopted Resolution 11192014 D with with same conditions of the previous approval.

PLEASE NOTE: The following space, and additional pages as needed, are reserved for comment by the minority voter(s), OR, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Brenda Ayers, as Town Clerk of the Town of Burke, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on November 19, 2014.

Brenda Ayers
Town Clerk

November 19, 2014
Date

**TOWN OF BURKE
RESOLUTION NO. 11192014D**

**RESOLUTION BY THE TOWN BOARD OF THE TOWN OF BURKE
CONDITIONALLY APPROVING THE CONDITIONAL USE PERMIT
APPLICATION AND REVISED SITE PLAN SUBMITTED BY
BRAD KONING, SHULFER ARCHITECTS, ON BEHALF OF MARK HOOVER**

WHEREAS, an application for a Conditional Use Permit (CUP) to allow residential use on a commercial property for a future liquor store & restaurant with upper level apartments to be located at 5291 Felland Rd, Madison (parcel numbers 0810-233-7512-9, 0810-233-7545-0 and 0810-233-7534-3) and a site plan has been submitted to the Town for review and action; and

WHEREAS, the Plan Commission has reviewed the petition and site plan and recommended conditional approval of the CUP to the Town Board and approved the site plan; and

WHEREAS, the Town Board has reviewed and considered the Plan Commission's recommendation and conditionally approved the CUP on October 15, 2014; and

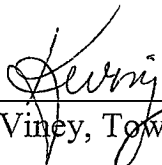
WHEREAS, Dane County referred the petition back to the Town of Burke due to a change in the site plan to meet railroad setbacks and a change in hours of operation; and


NOW, THEREFORE, the Town Board hereby approves the CUP to include the change in hours of operation and revised site plan subject to the following conditions:

- 1) signage is in accordance with Dane County Zoning and City of Madison ordinance Requirements, and
- 2) an executed septic tank maintenance agreement in submitted in a form accepted by the Town, and
- 3) submittal and approval of a Certified Survey Map (CSM) combining the three parcels into one

The above Resolution was duly adopted by the Town Board of the Town of Burke, Dane County, Wisconsin, at a meeting on November 19, 2014.

APPROVED:

By 
Kevin Viney, Town Chair

ATTEST:

Brenda Ayers, Town Clerk/Treasurer