

**TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT**

Regarding Petition # 02654 Dane County ZLR Committee Public Hearing Tuesday, March 25, 2025

**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:**      7 **In Favor**      0 **Opposed**

**TOWN BOARD VOTE:**      4 **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 10.101(7) (d) 1, Dane County Code of Ordinances, and section 10.220 (1) (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):**

- 1)This conditional use is strictly for Rock Road Companies, Inc, doing business as LW Real Estate Holdings, LLC, LLC located 5458 Reiner Road in the Town of Burke.
- 2)The Town Board and Plan Commission approve the following hours of operation.
  - Work will consist between the months of April and August
  - 6:00 p.m. to 7:00 a.m., Monday through Friday
  - Saturday pm to Sunday am only if necessary.
  - No outdoor operations shall take place during daytime hours on Sundays.
  - No outdoor operations shall take place during the hours of legal holidays.
- 3)The owner must provide sanitary facilities.
- 4)Not more than 50 trucks running cement with no more than 2 in the pit staging.
- 5)Trucks will use Reiner Road to Nelson Road to High Crossing to get to the interstate. There will be no truck running on Felland Rd.
- 6)Trucks will exit the site on Reiner Rd or Nelson Rd (if necessary).
- 7)Pit lighting will be set to face down so that light will not shine over the berms.
- 8)Water will be brought in by tanks. Planned daily.
- 9)Sand piles cannot be seen over the berms.
- 10)No hazardous materials or fuel stored on site.
- 11)Stormwater runoff is to be monitored and planned for with each event.
- 12)If traffic issues, flaggers must be brought in for safety reasons.
- 13)If noise complaints are received, backup alarms will be silent, flashing lights used.
- 14)The Conditional Use Permit (CUP) shall become void should these conditions not be followed or should Rock Road Companies, Inc be sold or leave parcel 0810-242-9000-3 for any reason.

**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, PJ Lentz, 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 Wednesday, February 19, 2025

**Town Clerk** PJ Lentz      **Date** Friday, February 21, 2025

## **FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS**

**If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from sections 10.101 (7) (c) 2 f g and 10.101 (7) (c) 3 d e :**

*“The zoning committee or applicable town board must deny a permit if it finds that the standards for approval are not met, and must approve a permit when the zoning committee and applicable town board determine that the standards for approval are met.”*

**PLEASE INDICATE THE APPROPRIATE FINDING FOR EACH STANDARD (CHECK ONE / 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.   | 1. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 2. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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.   | 3. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.   | 4. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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.   | 5. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 6. That the conditional use shall conform to all applicable regulations of the district in which it is located.   | 6. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 7. That the conditional use is consistent with the adopted town and county comprehensive plans.   | 7. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220 (1).  | 8. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |

**THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:**