



## Dane County Planning & Development Land Division Review

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March 21, 2012

Birrenkott Surveying, Inc.  
PO Box 237  
1677 N. Bristol St.  
Sun Prairie, WI 53590

Re: Wood Ger Development (preliminary plat)  
Town of Burke, Section 24  
(11 lots, 52 acres)  
Zoning Petition #10295 A-1 to C-2

*The Dane County Board approved rezone Petition #10295 on July 21, 2011.*

Attention to whom it may concern:

The Dane County Zoning and Land Regulation Committee, at its meeting of March 21, 2012, considered the above-named plat proposal. The committee approved the plat, subject to the following conditions:

### Dedication of Lands for public recreation within residential plats

1. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
2. All public land dedications are to be clearly designated "dedicated to the public."

### Land Suitability

3. Compliance with the Dane County Comprehensive Plan is to be established.
  - *Senior Planner, Pam Andros memo dated 3.08.12 addresses this requirement.*
4. A notation is to be included that states: "Lands covered by this plat are within an area subject to height limitations owing to the operation of aircraft and equipment from a nearby airport. Owners of lands within the area covered by this plat are required by law to restrict the height of trees, other vegetation and man-made structures to less than the height limitations set forth in that certain map dated April 24, 2008, entitled 'Height Limitation Zoning Map, Dane County Regional Truax Field, Madison, Wisconsin', said map being on file in the Dane County Clerk's office."

5. A notation is to be included that states: "Lands covered by this plat are located within an area subject to heightened noise levels emanating from the operation of aircraft and equipment from a nearby airport."

### Design Standards

6. The distance to the centerline of Maly Road right-of-way is to be shown.
7. Maly Road public dedication shall be clearly labeled as such.
8. All lots and outlots are to meet the minimum area and width requirements of the zoning districts that are applicable.
9. Lot boundaries and zoning district boundaries are to be coterminous.
10. Utility easements are to be provided.
11. The locations of existing driveways are to be shown.
12. The approximate locations of the intermittent stream(s) are to be shown.

### Required Improvements

13. Grading and surfacing. All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the affected town.
14. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established.
15. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established.
16. Street lights and street signs shall be provided in accordance with applicable town specifications.
17. The improvements shall be installed and approval of a final plat shall be given only after the work has been completed or there shall have been filed with the appropriate governmental jurisdiction or with the committee, one of the following:
  - *Surety bond in an amount sufficient to complete the work.*
  - *Certified check in an amount sufficient to complete the work.*

### Additional conditions

18. Rezone Petition #10295 is to become effective and all conditions established with Zoning Petition #10295 are to be timely satisfied.
  - *See attached conditions of approval of petition 10295, dated 9/26/2011.*

19. Before a subdivision plat may be recorded and filed for the same property, the condominium shall first be removed from the provisions of this chapter by recording a removal instrument.
  - *This is a recorded condominium, recorded as Document# 4395912, Dane County Registry. Platting of this land would violate S.703.128(1m)(b), Wisconsin Statutes.*
20. Town of Burke approval is to be obtained.
21. City of Madison approval is to be obtained (extraterritorial jurisdiction).
22. The final plat must be submitted within thirty-six (36) months from the approval date of the preliminary plat and in the case of preliminary plats given conditional approval, all conditions must be met.

Sincerely,

Dan Everson  
Assistant Zoning Administrator  
267.1541

CC:  
Clerk, Town of Burke  
City of Madison Planning – Tim Parks  
Dane County Highway – Pam Dunphy  
Dane County Land & Water – Jeremy Balousek

**TOWN OF BURKE  
RESOLUTION NO. 02152012B**

**RESOLUTION BY THE TOWN BOARD OF THE TOWN OF BURKE  
CONDITIONALLY APPROVING THE PRELIMINARY PLAT OF WOOD GER  
DEVELOPMENT**

WHEREAS, the Preliminary Plat of Wood Ger Development (the "Plat") was submitted to the Town for review and action; and

WHEREAS, the Plan Commission has reviewed the Plat and recommended conditional approval of the Plat; and

WHEREAS, the Town Board has reviewed and considered the Plan Commission's recommendation.


NOW, THEREFORE, the Town Board hereby approves the Plat subject to the following conditions:

1. Applicant revises the Environmental Assessment checklist item (a) (1) from a "no" answer to "yes."
2. Applicant provides an easement document allowing the Town to access and maintain the stormwater ponds and notation of the easement on the plat.
3. Applicant records a condominium removal for the entire JAD Condominium with the Dane County Register of Deeds.
4. Submittal of the street plan and profile for Maly Road per section 10-2-31 (f) of the Town Land Division and Subdivision Code.
5. A restrictive covenant is recorded on the plat pursuant to the conditions of the rezone approved by the Town of Burke Plan Commission on April 13, 2011 and the Town Board on May 4, 2011.
6. The town engineer's approval of the Plat, Stormwater plan and Maly Road Street plan and any conditions thereof.

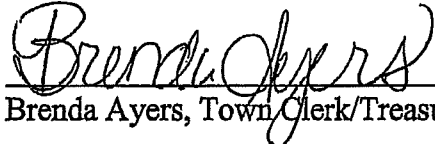
7. The final plat shall accurately depict the improvements to Maly Road.
8. The "Declaration of Covenants, Restrictions and Conditions" is in a form acceptable to the town attorney and town chair.
9. Compliance with any conditions to the Plat as required by Dane County and the City of Madison.

The above Resolution was duly adopted by the Town Board of the Town of Burke, Dane County, Wisconsin, at a meeting on February 15, 2012.

APPROVED:

By   
Kevin Viney, Town Chair

ATTEST:

  
Brenda Ayers, Town Clerk/Treasurer

# APPROVED REZONING

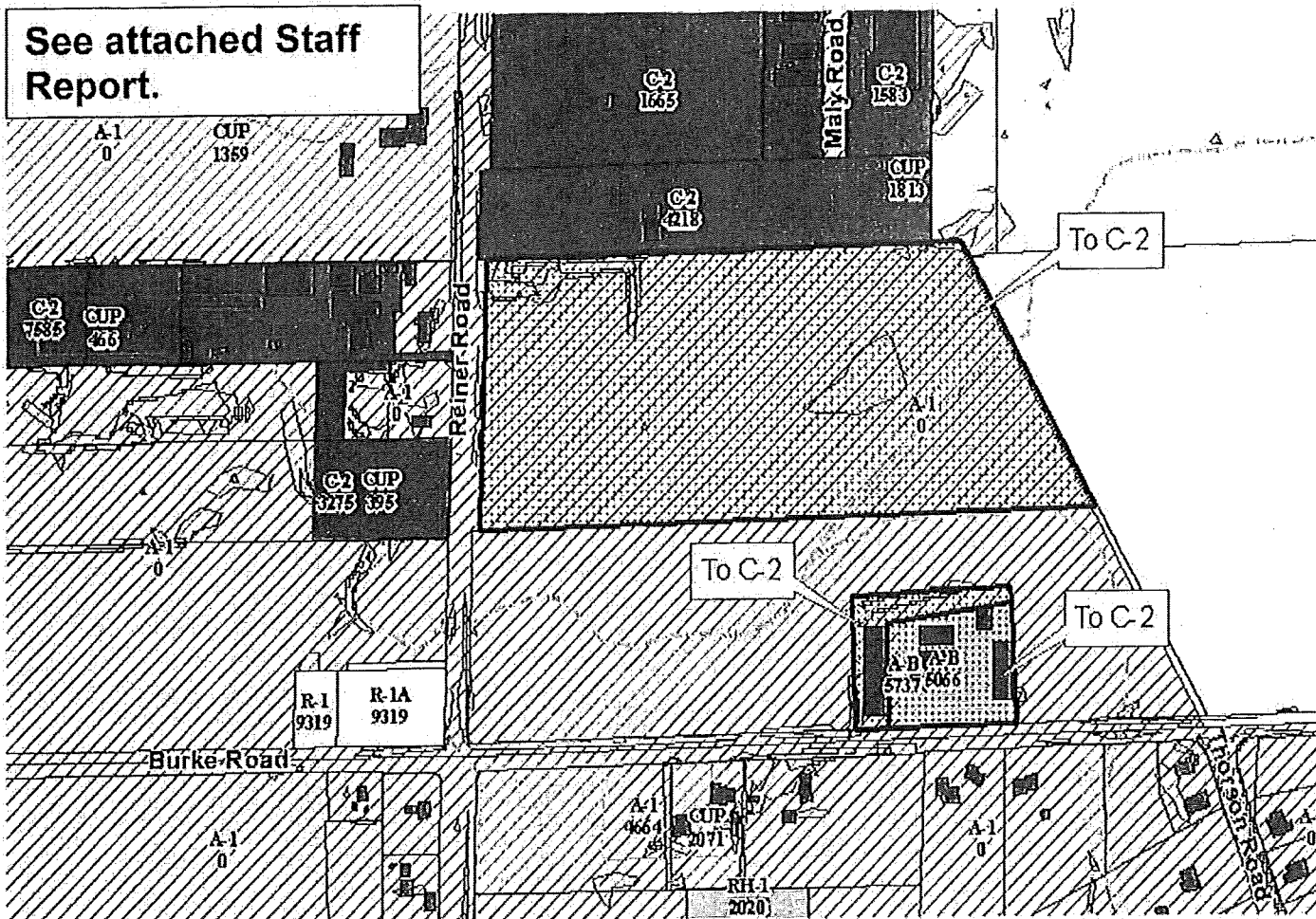
2011

## STAFF REPORT

### DANE COUNTY ZONING & LAND REGULATION COMMITTEE

Dane County Application for Change in Zoning or CUP	Hearing Date: 3/22/2011 Item #: 9
Zoning Petition #: 10295 C.U.P. #: None	Town/Section: Town of Burke/24
Internal Tracking Number: RECU25822	
Applicant: JAD LAND DEVELOPMENT LLC	Location: 3370 BURKE ROAD
Area: 28.7 acres Delayed Effective Date: YES	Rezone Reason: UNSPECIFIED COMMERCIAL USES
Change: From A-1 Agricultural, A-B Agricultural Business To C-2 Commercial	

See attached Staff Report.



<p><b>TOWN ACTION RECOMMENDATION</b></p> <p><input checked="" type="checkbox"/> Approved <u>5-4-11</u></p> <p><input type="checkbox"/> Denied</p> <p>Subject To:</p> <p><input checked="" type="checkbox"/> Conditions <input type="checkbox"/> Amendments</p> <p>IF CUP:</p> <p><input type="checkbox"/> Conditions <input type="checkbox"/> None</p>	<p><b>ZLR COMMITTEE ACTION - REZONING</b></p> <p><input type="checkbox"/> Postponed <u>3-22-11 / 5-24-11</u></p> <p><input checked="" type="checkbox"/> Approve <input checked="" type="checkbox"/> Cond/Amnd Town <input type="checkbox"/> Cond/Amnd Comm</p> <p><input type="checkbox"/> As Conditioned <u>Limit Land Uses</u></p> <p><u>REMOVE CONDO DCS</u></p> <p><input checked="" type="checkbox"/> Amended <input type="checkbox"/> Changed Zone Dist.</p> <p><input checked="" type="checkbox"/> Changed Boundary Description</p> <p><input type="checkbox"/> DENY</p> <p>Action Date <u>6-14-11</u> Vote <u>5-0</u></p>	<p><b>ZLR CUP APPROVAL</b></p> <p><input type="checkbox"/> Approved <input type="checkbox"/> As Specified by Town</p> <p><input type="checkbox"/> Con by ZLR <input type="checkbox"/> DENY</p> <p>Date</p> <p><b>COUNTY BOARD ACTION REZONING</b></p> <p>Date</p> <p><input type="checkbox"/> Referred <input type="checkbox"/> Amended on Floor</p> <p><input type="checkbox"/> Approved <input type="checkbox"/> County Board Agenda Item</p> <p><input type="checkbox"/> DENY</p> <p><u>G-2</u></p>
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## Petition #10295, JAD Development Staff Report

**Description:** The petitioner would like to develop 25 acres of land for commercial purposes. Although the exact uses have not been determined, it appears that the primary uses will be contractor offices, storage warehouses, and mini-warehouse facilities. An additional 3.5 acres of land, along Burke Road, is also included in this zoning petition to bring several existing land uses into compliance with zoning regulations.

**History:** In 1999, the County Board approved a similar request (petition #7168) for commercial development of this site. However, the petition was rendered null & void due to a subdivision plat not being recorded in the described timeframe. In 2003, a condominium plat was recorded on the 51-acre property dividing the property into 11 units. Also, a storm water maintenance notice was recorded on the property designating storm water detention facilities. In 2009, the Zoning Division identified land use violations occurring on the property along Burke Road with regards to a business selling racecar parts and the manufacturing of racecar frames. The enforcement action is pending the result of this petition.

**Observations:** The property is located approximately 1300 feet north of the City of Madison limits and within their extraterritorial jurisdiction. A conservation easement has been purchased by the US Department of Agriculture on 21 acres of land in the southwest corner of the property in 1989. The easement is to preserve the wetlands in the area for wildlife habitat. A drainage swale bisects the property from the northeast corner to the southwest corner. Wetlands are present along this drainage swale. As mentioned, the northerly 25 acres of the property is proposed for commercial development; 16 acres of the 25-acres consists of Class II soils.

### Concerns:

**Wetlands:** County Staff has requested a wetland delineation report to determine the extent of the wetlands on the property. Staff is concerned that the proposed commercial development will infringe in the wetland area. No information regarding the wetland was provided.

**Concept Plan:** County Staff has requested a conceptual layout of the building/parking locations and location(s) of storm water detention areas for the development. Staff is concerned with the location of the storm water facilities will negatively impact the wetland area and conservation easement area. A concept plan has not been provided.

**Land Uses:** The C-2 Zoning District permits several land uses that may not be desirable for the area. The developer has submitted a list of limited land uses for the area. See attached list of permitted uses.

**Town Plan:** The subject property is in the commercial land use district in the 1999 *Burke Land Use Plan*. Since that time, the town of Burke has entered into a long-term annexation agreement with the City of Madison. This cooperative agreement is the most critical. The City of Madison has developed extraterritorial plans for this area, called the *Northeast Neighborhood Development Plan*. Phase 1 of this plan has specific land uses, design guidelines, etc. The subject property is in Phase II for which detailed planning has not yet been developed. When property in this area is divided into more than 2 residential parcels or into any non-residential parcels, a full City of Madison Extraterritorial review is required. The applicant has been in communication with City of Madison Planning staff. It is anticipated that City staff will provide comments on Petition No. 10295.

**Staff Update:** The concept plan has been submitted and appears to be acceptable. The City of Madison Planning Staff has found the proposal acceptable with conditions. The proposed subdivision plat has been revised to include the conservation easement area (wetland area) as a separate lot. Staff suggests that this lot be zoned to the appropriate zoning district to designate sensitive environmental features found on the property.

### Suggested conditions:

- o Require a wetland delineation report to be submitted for confirm location of wetland.
- o Place limits on the permitted land uses in the C-2 Zoning Districts. Further limits may need to be needed on the C-2 Zoning District along Burke Road due to the neighboring residential properties.
- o Require the proposed "Maly Road" to be dedicated to the public from the right-of-way of Reiner Road, extending east then north, to the north property line as part of a subdivision plat pursuant to Wisc. Stats. 236.
- o Require the removal of the condominium plat
- o Amend the zoning petition to change the proposed Lot 9 area from A-1 Agriculture to CO-1 Conservancy.
- o Require a deed restriction to prohibit the installation of billboard signs per Madison's request.

3/22 ZLR: Postponed due to no town action.

Town: Approved with conditions and limitations on land uses.

G-2

# Outstanding Concerns

NOTE: ALL OUTSTANDING CONCERNS HAVE BEEN ADDRESSED.

1. **Revised Wetland Delineation Report:** The revised wetland delineation report shows a significantly larger area than previously shown. Staff suggests that this area be designated as a separate lot and assigned the zoning classification of CO-1 Conservancy. NOTE: Given that the area is currently being used for agricultural purposes, A-1 zoning would be appropriate.
2. **Storm water Detention Facilities:** Staff is concerned on how the storm water will be managed for the project given that the majority of the proposed storm water detention facilities are located now upon the delineated wetlands. Staff suggests that a revised concept plan be created to designate the proposed areas for storm water detention. NOTE: Concept plan has been revised and appears to be acceptable.
3. **Lot Configuration:** The new wetland delineation has significant impacts on the previously proposed Lot 5 and Lot 10. With the wetland and the 75-foot setback requirement, Lot 5 will have limited development potential. Staff suggests eliminating Lot 5 and incorporating the area into the conservancy area. In addition, Staff suggests removing the wetland area from Lot 10 and creating a lot of approximate 4 acres in size for the existing single-family dwelling. See attached map. NOTE: The revised concept plan and revised zoning district boundary addresses the concern.

## Suggested conditions of Approval

1. The petitioner shall record a condominium removal document for the entire JAD Condominium Plat. The petitioner shall also remove the recorded storm water maintenance plan as note under Register of Deeds document #3760938.
2. A subdivision plat, pursuant to Wisconsin Statutes 236, shall be recorded with the Dane County Register of Deeds that defines the proposed lots as shown on the concept plan within 2 years.
3. The proposed "Maly Road" shall be dedicated to the public for road right-of-way. The road right-of-way shall extend from the eastern right-of-way line of Reiner Road to the north property line as depicted on the concept plan.
4. Lots 1 through 8 shall be deed restricted to limit the land uses to:

Major repairs to motor vehicles inside buildings - Parking and storing of motor vehicles - Warehouses - Mini-warehouses - Medical, dental and veterinary clinics - Banks, offices, office buildings and condominium office buildings - Woodworking shops - Machine shops - Manufacturing and assembly plants - Rental businesses, except for motor vehicles and construction machinery/equipment - Distribution centers - Wholesale businesses - Warehousing and inside storage incidental to a permitted use - General, mechanical and landscape contracting businesses - Inside storage, maintenance and repairs of construction equipment necessary for the operation of a general, mechanical or landscape contracting business

Conditional Uses that may be permitted are: Residence for a watchman or caretaker - Communication towers - Governmental uses - Agricultural uses

5. Lot 11 shall be deed restricted to limit the land uses to:

Retail sales limited to automotive parts and accessories - Major repairs to motor vehicles inside buildings - Warehouses - Mini-warehouses - Medical, dental and veterinary clinics - Banks, offices, office buildings and condominium office buildings - Woodworking shops - Machine shops - Manufacturing and assembly plants - Rental businesses, except for motor vehicles and construction machinery/equipment - Distribution centers - Wholesale businesses - Warehousing and inside storage incidental to a permitted use - General, mechanical and landscape contracting businesses - Inside storage, maintenance and repairs of construction equipment necessary for the operation of a general, mechanical or landscape contracting business

Conditional Uses that may be permitted are: Residence for a watchman or caretaker - Communication towers - Governmental uses - Agricultural uses

6. All property zoned C-2 within the subdivision plat shall be deed restricted to prohibit billboard signs.



TOWN BOARD ACTION REPORT

Regarding Zoning Petition No. 10295 Public Hearing \_\_\_\_\_

Whereas, the Town Board of the Town of Burke, having considered said zoning petition, be it therefore resolved that said petition is hereby (Approved/Disapproved).

The Town Board Planning Commission

consisting of 6 members voted 4 in favor and 0 opposed (2 were absent)

The Town Board

consisting of 5 members voted 5 in favor and 0 opposed

The above petition is subject to the following conditions: (Cross out or write none if there are no conditions)

See attached for details on a restrictive  
covenant to be filed and other  
conditions.

(attach additional page[s] as required)

Please note: If the proposed rezoning is approved by the Town Board, but this rezone does not comply with the Town Land Use Plan, please explain the approval. These reasons are critical for Zoning Committee and the County Board in their consideration of the rezoning

RECEIVED

MAY 10 2011

(attach additional page[s] as required)

Please note: The following space (and additional page[s] as required) are served for comment by the minority voter(s).

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 May 4, 2011.

Brenda Ayers  
Town Clerk

DATE: 5/5, 2011

G-2

**Town of Burke**

**Action concerning a rezone request (from A-1 and A-B to C-2) submitted by JAD Land Development LLC, property located at 3370 Burke Road (parcel numbers 0810-243-4001-0, 0810-2434004-0, 0810-234-4007-0, 0810-243-4010-0, 0810-243-4013-0, 0810-243-4016-0, 0810-243-40190-0, 0810-243-4022-0, 0810-243-4025-0, 0810-243-40280-0 and 0810-243-4031-0).**

Approval of the rezone to C-2 to the Town Board contingent upon the filing of a restrictive covenant prohibiting retail establishments and drive ups, limiting all work/storage to the inside of a building, and allowing only the following uses from the Dane County Zoning Code: 10.14(1)(b) Major repairs to motor vehicles (inside only); 10.14 (1)(q) Parking and storing of motor vehicles; 10.14 (1)(s) Warehouses; 10.14 (1)(u) Mini-warehouses; 10.13 (1)(e) Banks, offices, office buildings and condominium office buildings devoting not more than two (2) floors to office space; 10.13 (1)(j) Woodworking shops, machine shops, manufacturing and assembly plants; 10.13(1)(L) Rental businesses, except for motor vehicles and construction machinery and equipment; 10.13 (1)(i) Distribution centers and wholesale business; 10.13 (1)(c) Warehousing and storage incidental to a permitted use on the premises (internal storage only); 10.141 (1)(a) General mechanical and landscape contracting businesses and building used in connection with such activity; 10.141 (1)(b) Storage of construction equipment necessary for the operation of a general, mechanical or landscape contracting business and permitting the following use from the Dane County Zoning Code subject to the granting of a CUP: 10.14 (2)(i) Residence for a watchman or caretaker; 10.13 (2)(j) Communication towers; 10.13 (2)(m) Government uses; 10.13 (2)(n) Agricultural uses and allowing the following use only on lot 11: 10.141 (1)(g) A single family residence for an owner of the business or a caretaker contingent upon the following conditions in a letter to Dane County Zoning dated March 18 from Michael Waidelich of the City of Madison: 1) the applicants record a condominium removal for the entire JAD Condominium prior to the C-2 zoning taking affect 2) the applicants execute a restrictive covenant benefitting the City of Madison in a form approved by Dane County and the City of Madison prior to the C-2 zoning taking affect. Said covenant shall include the list of allowable uses and a prohibition against the placement of billboards on the property.

Brenda Ayers  
Clerk/Treasurer  
Town of Burke  
5/4/2011



Department of Planning & Community & Economic Development  
**Planning Division**

Website: [www.cityofmadison.com](http://www.cityofmadison.com)

PETITION  
# 10295

Madison Municipal Building  
215 Martin Luther King, Jr. Boulevard  
P.O. Box 2985  
Madison, Wisconsin 53701-2985  
TDD 608 266-4747  
FAX 608 266-8739  
PH 608 266-4635

March 18, 2011

Dane County Zoning and Land Regulation Committee  
c/o Dane County Department of Planning & Development  
Room 116, City-County Building  
210 Martin Luther King Jr. Blvd.  
Madison, Wisconsin 53701

RE: Zoning Petition 10295 – JAD Land Development; 3370 Burke Road, Section 24, Town of Burke

Dear Chairperson Miles,

Thank you for the opportunity to comment on the proposed rezoning of approximately 29.5 acres located at the northeastern corner of Burke and Reiner roads in the Town of Burke from A-1 and AB agricultural zoning to C-2 commercial zoning. Staff from the City of Madison Planning Division has met on two occasions with Jerry Woods and Tom Hanley regarding the rezoning and subdivision of the subject property, which is located in the City's extraterritorial jurisdiction and within the Boundary Adjustment Area-Madison (BAA-M) designated in the Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan dated January 5, 2007.

Under the provisions in Section 11C of the Cooperative Plan, the Town of Burke has agreed that the rezoning of a site from a residential or agricultural classification to a non-residential classification and the subdivision of property are considered "development" and are subject to City approval in accordance with its development requirements, including but not limited to Madison zoning and subdivision codes, and adopted City plans.

The subject site is located in the northernmost portion of the overall Northeast Neighborhoods planning area, which is generally bounded by Nelson Road on the north, Thorson Road on the east, Interstate 94 on the south and Interstate 39-90-94 and Felland Road on the west. A neighborhood development plan for the portion of the planning area located south of Burke Road was adopted by the Common Council on October 20, 2009. The area north of Burke Road including the subject site was included in Phase II of the neighborhood planning area and plan development is still ongoing at the present time. However, the working concept plan for the area north of Burke Road recommends the future development of employment and light industrial uses for the subject site. City Planning staff believes that the proposed rezoning of the site to C-2 is generally consistent with these preliminary recommendations.

However, City staff has been discussing a series of use restrictions with the applicants to bring the proposed C-2 zoning into better alignment with the type of development the City believes would be consistent with the employment and light industrial uses envisioned and the current unavailability of full urban services. The City and applicants have discussed excluding such land uses as retail and services uses, mobile home sales, drive-in establishments, taverns and car washes from the subject site by restrictive covenant. Staff believes the excluded land uses are generally not consistent with the employment and light industrial uses envisioned for the area.

The draft list of allowable uses submitted with the rezoning application is largely acceptable to the City, although certain uses on the list, such as medical and dental offices, are not necessarily compatible with the storage and light industrial uses also proposed for the subject site, and are unlikely to develop on the subject site until the area is served by public water and sanitary sewer. The Cooperative Plan also stipulates that all signage on the property must comply with Madison's Sign Control Ordinance (Section 31, MGO). City staff requests that a note be included in the restrictive covenant stating that billboards are prohibited on the subject property. The City respectfully requests that the restrictive covenant establishing the allowed uses be executed as a condition of the County's approval of the rezoning.

G-2

In addition, the City believes it would be appropriate for the applicants to record a condominium removal for the JAD Condominium, which was recorded on the subject property in 2003, as a condition of this rezoning approval and in anticipation of the submittal of a subdivision plat similar to the Wood Ger Development concept plat that was included with the subject rezoning application.

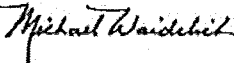
The City anticipates requiring conditions of approval as part of its extraterritorial and Cooperative Plan review of the Wood Ger Development subdivision plat, which may include access restrictions for Lots 1, 8 and 9 from Reiner Road, the establishment of a landscape buffer adjacent to Reiner Road, and the submittal of a contemporary delineation for the wetland located in the southwestern corner of the property near the Burke-Reiner intersection.

In conclusion, the City of Madison Planning Division can support the proposed rezoning of 3370 Burke Road, Town of Burke, to C-2 Commercial zoning subject to the conditions that follow below, and look forward to working with the applicants on implementation of the proposed subdivision. The City respectfully requests that the following conditions be attached to the proposed rezoning:

1. That the applicants record a condominium removal for the entire JAD Condominium with the Dane County Register of Deeds prior to the C-2 zoning taking affect.
2. That the applicants execute a restrictive covenant benefitting the City of Madison in a form approved by the Dane County Department of Planning and Development and the City's Planning Division prior to the C-2 zoning taking affect. Said covenant shall include the attached list of allowable uses and an express prohibition against the placement of billboards on the subject property.

We appreciate the opportunity to comment on the proposed rezoning. If you have any questions about these comments or the information in this letter, please do not hesitate to contact me at 266-4635.

Sincerely,



Michael Waidelich  
Principal Planner

cc: Jerry Wood  
Tom Hanley  
Mike Lawton, Lathrop & Clark, LP  
Dan Birrenkott, Birrenkott Surveying, Inc.  
Brenda Ayers, Clerk/ Treasurer, Town of Burke  
Steve Cover, Director, Department of Planning and Community & Economic Development  
Bradley J. Murphy, Director, Planning Division  
Rick Roll, Planner, Planning Division  
Tim Parks, Planner, Planning Division





## **DANE COUNTY ORDINANCE AMENDMENT NO: 10295**

Internal Tracking Number: RECU25822

Amending Section 10.03 relating to Zoning Districts in the Town of Burke.

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Burke be amended to include in the C-2 Commercial district(s) following described land:

**PETITION NUMBER: 10295**

Part of Section 24, Town of Burke described as follows:

### **A-1 to C-2:**

Units 1, 2, 3, 7 8, and 9, part of Units 4, 5, 6 and 10, and the common element of Maly Road of JAD Condominium, located in the Southeast 1/4 of the Southwest 1/4 and the Southwest 1/4 of the Southwest 1/4, Section 24, T8N, R10E, Town of Burke, Dane County, Wisconsin, described as follows: Commencing at the Southwest Corner of said Section 24; thence N00°53'15"E, 598.74 feet along the West line of said Southwest 1/4; thence N87°43'00"E, 60.09 feet to the East right of way line of Reiner Road and the point of beginning; thence N00°53'15"E, 720.00 feet to the Northwest corner of said condominium; thence N87°43'00"E, 1328.37 feet along the North line of said condominium to the Northeast corner thereof; thence S28°32'33"E, 105.62 feet along the Easterly line of said condominium; thence continuing along said Easterly line S28°32'33"E, 1320.85 feet to the North right of way line of Burke Road; thence S87°47'10"W, 483.07 feet along said North right of way line to the Southeast corner of said Unit 11; thence continuing along said North right of way line S87°47'10"W, 365.09 feet to the Southwest corner of Unit 11; thence N01°02'30"W, 279.33 feet along the West line of said Unit 11 to the Northwest corner thereof; thence N81°19'04"E, 357.51 feet along the North line of said Unit 11 to the Northeast corner thereof; thence N02°57'24"W, 40.56 feet; thence S87°01'35"W, 452.72 feet; thence S01°52'36"E, 354.16 feet to the said North right of way line; thence N87°47'10"E, 94.34 along said North right of way line to the said Southwest corner of Unit 11; thence continuing along said North right of way line, N87°47'10"E, 365.09 feet to the said Southeast corner of Unit 11; thence continuing along said North right of way line N87°47'10"E, 483.07 feet to the said Easterly line of the condominium; thence N28°32'33"W, 1320.85 feet along said Easterly line; thence S35°00'53"W, 784.75 feet to the North line of said Unit 10; thence S87°43'00"W, 939.58 feet along said North line to the said East right of way line of Reiner Road and the point of beginning; Containing 907,400 square feet, or 20.831 acres.

**A-B to C-2:**

Unit 11, JAD Condominium, located in the Southeast 1/4 of the Southwest 1/4 and the Southwest 1/4 of the Southwest 1/4, Section 24, T8N, R10E, Town of Burke, Dane County, Wisconsin, described as follows: Commencing at the Southwest Corner of said Section 24; thence N00°53'15"E, 598.74 feet along the West line of said Southwest 1/4; thence N87°43'00"E, 60.09 feet to the East right of way line of Reiner Road; thence N00°53'15"E, 720.00 feet to the Northwest corner of said JAD Condominium; thence N87°43'00"E, 1328.37 feet along the North line of said condominium to the Northeast corner thereof; thence S28°32'33"E, 1426.47 feet along the Easterly line of said condominium to the North right of way line of Burke Road; thence S87°47'10"W, 483.07 feet along said North right of way line to the Southeast corner of said Unit 11 and the point of beginning; thence continuing along said North right of way line S87°47'10"W, 365.09 feet to the Southwest corner of said Unit 11; thence N01°02'30"W, 279.33 feet along the West line of said Unit 11 to the Northwest corner thereof; thence N81°19'04"E, 357.51 feet along the North line of said Unit 11 to the Northeast corner thereof; thence S02°57'24"E, 319.57 feet along the East line of said Unit 11 to the said North right of way line and the point of beginning; Containing 107,830 square feet, or 2.475 acres.

**CONDITIONAL ZONING**

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

1. The petitioner shall record a condominium removal document for the entire JAD Condominium Plat. The petitioner shall also remove the recorded storm water maintenance plan as note under Register of Deeds document #3760938.
2. A subdivision plat, pursuant to Wisconsin Statutes 236, shall be recorded with the Dane County Register of Deeds that defines the proposed lots as shown on the concept plan within 2 years.
3. The proposed "Maly Road" shall be dedicated to the public for road right-of-way. The road right-of-way shall extend from the eastern right-of-way line of Reiner Road to the north property line as depicted on the concept plan.
4. Lots 1 through 8 shall be deed restricted to limit the land uses to:  
Major repairs to motor vehicles inside buildings - Parking and storing of motor vehicles - Warehouses - Mini-warehouses - Medical, dental and veterinary clinics - Banks, offices, office buildings and condominium office buildings - Woodworking shops - Machine shops - Manufacturing and assembly plants - Rental businesses, except for motor vehicles and construction machinery/equipment - Distribution centers - Wholesale businesses - Warehousing and inside storage incidental to a permitted use - General, mechanical and landscape contracting businesses - Inside storage, maintenance and repairs of construction equipment necessary for the operation of a general, mechanical or landscape contracting business  
Conditional Uses that may be permitted are: Residence for a watchman or caretaker - Communication towers - Governmental uses - Agricultural uses



5. Lot 11 shall be deed restricted to limit the land uses to:  
Retail sales limited to automotive parts and accessories - Major repairs to motor vehicles inside buildings - Warehouses - Mini-warehouses - Medical, dental and veterinary clinics - Banks, offices, office buildings and condominium office buildings - Woodworking shops - Machine shops - Manufacturing and assembly plants - Rental businesses, except for motor vehicles and construction machinery/equipment - Distribution centers - Wholesale businesses – Warehousing and inside storage incidental to a permitted use - General, mechanical and landscape contracting businesses – Inside storage, maintenance and repairs of construction equipment necessary for the operation of a general, mechanical or landscape contracting business

Conditional Uses that may be permitted are: Residence for a watchman or caretaker  
- Communication towers - Governmental uses - Agricultural uses

6. All property zoned C-2 within the subdivision plat shall be deed restricted to prohibit billboard signs.

**RECORDING OF AN APPROVED PLAT REQUIRED**

The above listed description(s) is/are intended to describe land for which a subdivision plat conforming to all applicable provisions of Chapter 236 of Wisconsin Statutes and Chapter 75, Dane County Code of Ordinances will be prepared for approval and recorded. This amendment will become effective, if within two years of its approval by Dane County, a plat that described the land to be rezoned is recorded in the office of the Dane County Register of Deeds. **Failure to record the plat will cause this amendment to be null and void. A copy of the recorded plat shall be submitted to Dane County Zoning.**

**GRANT AS MODIFIED**

**DELAYED EFFECTIVE DATE**



TOWN OF BURKE, DANE COUNTY, WISCONSIN  
A CONDOMINIUM PLAT

- SHEET 2 OF 2  
OFFICE MAP NO. 960962E