

# TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 11433

Dane County Zoning & Land Regulation Committee Public Hearing Date 7/23/2019

Whereas, the Town Board of the Town of Burke having considered said zoning petition, be it therefore resolved that said petition is hereby (check one): ☒ Approved ☐ Denied ☐ Postponed

Town Planning Commission Vote: 5 in favor 0 opposed 0 abstained

Town Board Vote: 5 in favor 0 opposed 0 abstained

## THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

1. ☐ Deed restriction limiting use(s) in the \_\_\_\_\_ zoning district to only the following:
2. ☐ Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):
3. ☐ Deed restrict the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):
4. ☐ Condition that the applicant must record a *Notice Document* which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):
5. ☒ Other Condition(s). Please specify:  
1) Obtaining approval of the rezone from Dane County and satisfaction of any conditions thereof; and  
2) Meeting the conditions of and recording of the CSM

Please note: The following space is 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 will email the resolution passed by the Board to explain the inconsistency with 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 9/18/2019  
Town Clerk Brenda Ayers Date: 9/19/2019

**TOWN OF BURKE  
RESOLUTION NO. 09182019A**

**RESOLUTION BY THE TOWN BOARD OF THE TOWN OF BURKE  
CONDITIONALLY APPROVING A REZONE PETITION SUBMITTED BY  
PETER SACHS**

**RECITALS**

- A. Peter Sachs (Sachs) submitted a Certified Survey Map "CSM" for the purpose of creating four residential lots at the property located at 3285 Nelson Rd (parcel numbers 0810-244-8600-7 and 0810-244-8670-3) for review and action.
- B. Sachs also submitted a rezone petition to rezone proposed lot 1 from RR-2 and NR-C to RR-4, proposed lots 2 and 4 from NR-C to RR-1 and proposed lot 3 to RR-2.
- C. Parcel number 0810-244-8670-3 (a portion of proposed lot 1 and all of proposed lots 2-4) is designated as a Natural Area on Future Land Use map in the Town's Comprehensive Plan.

WHEREAS, the Plan Commission has reviewed the rezone petition and recommended approval; and

WHEREAS, the Town Board has determined that there are no environmental factors to compel the Natural Area designation in Town's Comprehensive Plan; and

WHEREAS, the Town Board has determined that the proposed zoning of RR-1, RR-2 and RR-4 would be an orderly continuation of residential development of the area; and

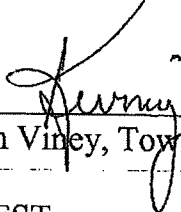
WHEREAS, the Town Board has reviewed and considered the Plan Commission's recommendation;

NOW, THEREFORE, the Town Board hereby approves the rezone with the following conditions:

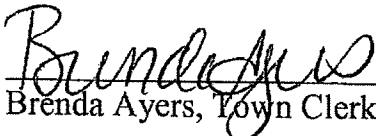
- 1) Obtaining approval of the rezone from Dane County and satisfaction of any conditions thereof; and
- 2) Meeting the conditions of and recording of the CSM

The above Resolution was duly adopted by the Town Board of the Town of Burke,  
Dane County, Wisconsin, at a meeting on September 18, 2019.

APPROVED:

By   
Kevin Viney, Town Chair

ATTEST:

  
Brenda Ayers, Town Clerk/Treasurer

Attachment A: CSM

# ATTACHMENT A CSM



**BIRRENKOTT  
SURVEYING, INC.**

P.O. Box 237  
1677 N. Bristol Street  
Sun Prairie, WI, 53590  
Phone (608) 837-7453  
Fax (608) 837-1081

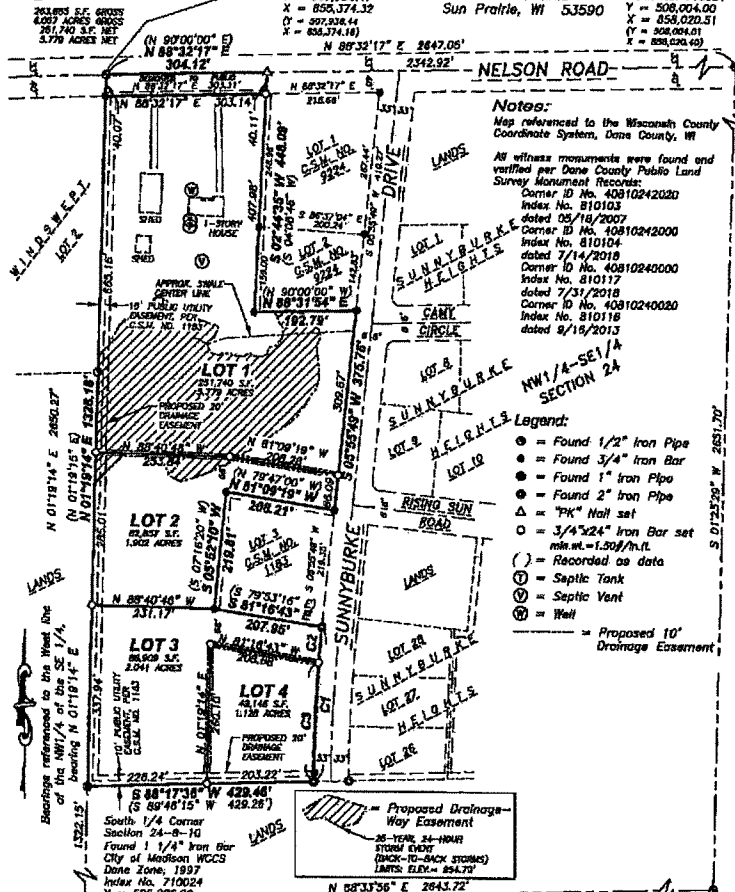
## CERTIFIED SURVEY MAP

Lot 1, Certified Survey Map No. 1183, located in part of the  
Northwest 1/4 of the Southwest 1/4 of Section 24, T8N, R10E,  
Town of Burke, Dane County, Wisconsin

Prepared For:

Peter & Chelsea Sachs  
3285 Nelson Road  
Sun Prairie, WI 53590

East 1/4 Corner  
Section 24-8-10  
Found Alum. Mon.  
City of Madison WCCS  
Dane Zone, 1997  
Index No. 710024  
Y = 506,004.00  
X = 858,020.51  
Y = 506,004.01  
X = 858,020.49



### Notes:

Map referenced to the Wisconsin County  
Coordinate System, Dane County, WI

All witness monuments were found and  
verified per Dane County Public Land  
Survey Monument Records:

Corner ID No. 40810242020  
Index No. 810103  
dated 05/16/2007  
Corner ID No. 40810242000  
Index No. 810104  
dated 7/14/2018  
Corner ID No. 40810240000  
Index No. 810117  
dated 7/31/2018  
Corner ID No. 40810240020  
Index No. 810116  
dated 8/18/2013

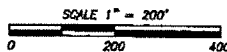
### Legend:

- = Found 1/2" Iron Pipe
- = Found 3/4" Iron Bar
- = Found 1" Iron Pipe
- = Found 2" Iron Pipe
- Δ = "PK" Nail set
- = 3/4"x24" Iron Bar set  
min. wt. = 1.50#/in. ft.
- ( ) = Recorded as data
- ⊙ = Septic Tank
- ⊙ = Septic Vent
- ⊙ = Well
- = Proposed 10'  
Drainage Easement

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT BEARING-IN	TANGENT BEARING-OUT
C1	288.71	2885.00	3°46'18"	N 03°00'52" E	288.50	S 03°24'01" W	S 03°07'43" W
C2	288.12	2885.00	3°46'18"	S 03°14'22" W	288.12	S 03°54'51" W	S 04°34'42" W
C3	222.50	2225.00	4°26'56"	S 02°21'13" W	222.53	S 04°34'42" W	S 05°07'43" W

Southwest 1/4 Corner  
Section 24-8-10  
Found Alum. Mon.  
City of Madison WCCS  
Dane Zone, 1997  
Index No. 710024  
Y = 505,353.08  
X = 857,958.12  
Y = 505,352.98  
X = 857,958.06

SHEET 1 OF 4  
Office Map No. 180694



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_

DOCUMENT NO. \_\_\_\_\_

**TOWN OF BURKE  
RESOLUTION NO. 09182019B**

**RESOLUTION BY THE TOWN BOARD OF THE TOWN OF BURKE  
CONDITIONALLY APPROVING A FOUR LOT CSM SUBMITTED BY PETER  
SACHS**

WHEREAS, Peter Sachs and Chelsea Sachs (the "Owner") submitted a CSM for the purpose of creating four residential lots at the property located at 3285 Nelson Rd (parcel numbers 0810-244-8600-7 and 0810-244-8670-3) for review and action (the "CSM"); and

WHEREAS, a copy of the CSM is attached hereto as Attachment A; and

WHEREAS, the Plan Commission has reviewed the CSM and recommended approval; and

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

WHEREAS, the Town Board has agreed to waive the parkland dedication;

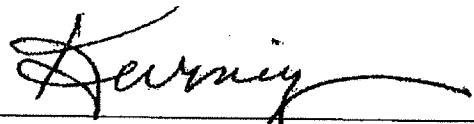
NOW, THEREFORE, the Town Board hereby approves the CSM subject to the following conditions:

1. The drainage-way easement located on lots 1 and 2 of the CSM shall be revised to include the approximate swale center line on lot 1;
2. The word "proposed" be removed from the drainage-way and drainage easement language of the CSM;
3. The "Proposed Drainage-Way Easement box" on the bottom of the first page of the CSM shall be revised to remove the word "proposed" and to include the following language: Overflow elev. = 954.06. Storage capacity 40,000 cubic feet from elevations 953.13 to 954.06;
4. The Legend on page 1 of the CSM shall be revised to remove the words "Proposed 10'" before Drainage Easement;
5. Add the following notes to the CSM:
  - a. "Structures, fill and grading are prohibited in the drainage-way and drainage easements.";
  - b. "Lot suitability for septic and well is the responsibility of each individual lot owner.";
6. The Owners Certificate on the CSM shall be revised to replace the word "Village" with "Town" (of Burke);

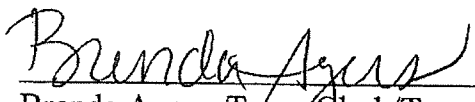
7. The Town and Owner shall enter into a development agreement addressing, among other things, Owner's installation of a gravel road in the Sunnyburke Drive road right-of-way prior to selling lots (unless the Town has already installed public road improvements), the ability of lot owners to use the gravel road until the Town improves Sunnyburke Drive in 2020, and an acknowledgment the Town intends to specially assess benefitting property owners for the cost of the public improvements to Sunnyburke Drive. The form and substance of the development agreement shall be acceptable to the Town;
8. Obtain approval of the CSM within 90 days of 9/18/2019 from both Dane County and City of Madison;
9. The CSM shall be recorded in accordance with Chapter 236 of the Wisconsin State Statutes; and
10. Any conditions imposed by Dane County and the City of Madison must be fulfilled in the timeframe required by the County and City.

The above Resolution was duly adopted by the Town Board of the Town of Burke, Dane County, Wisconsin, at a meeting on September 18, 2019.

APPROVED:

By   
Kevin Viney, Town Chair

ATTEST:

  
Brenda Ayers, Town Clerk/Treasurer

Attachment A: CSM

# ATTACHMENT A CSM



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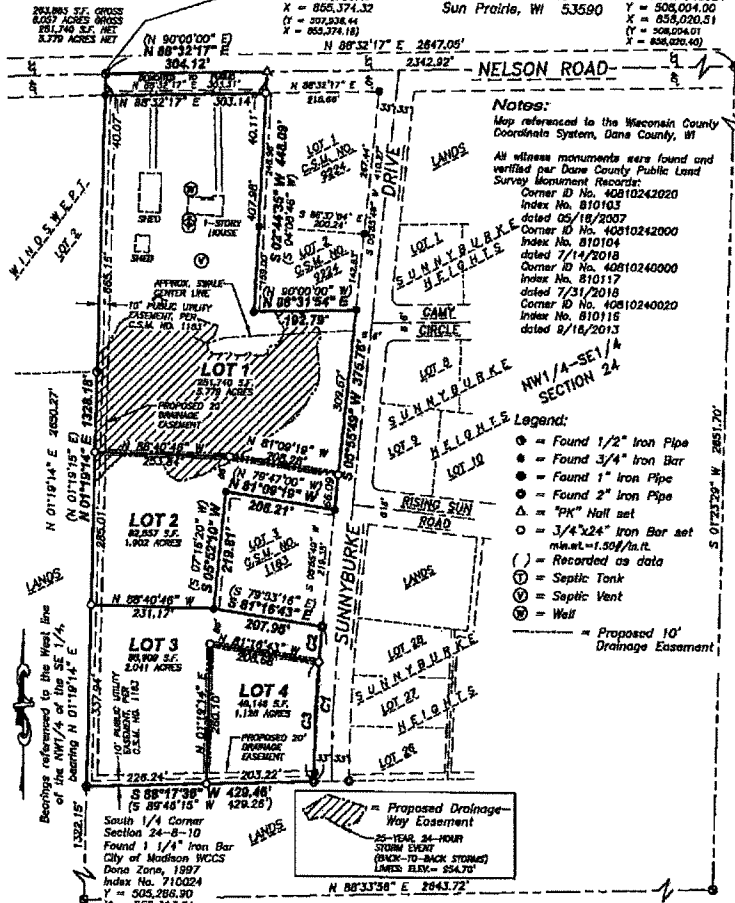
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Northwest 1/4 of the Southeast 1/4 of Section 24, T8N, R10E,  
Town of Burke, Dane County, Wisconsin

Center  
Section 24-8-10  
Found Brass Cap  
City of Madison WCCS  
Dane Zone, 1997  
Index No. 710024  
Y = 507,936.47  
X = 855,374.32  
Y = 507,936.44  
X = 855,374.18

Prepared For:

Peter & Chelsea Sachs  
3285 Nelson Road  
Sun Prairie, WI 53590

East 1/4 Corner  
Section 24-8-10  
Found Alum. Mon.  
City of Madison WCCS  
Dane Zone, 1997  
Index No. 710024  
Y = 508,004.00  
X = 858,000.51  
Y = 508,004.01  
X = 858,000.40



### Notes:

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Index No. 810116  
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C3	222.50	2866.00	2°28'59"	S 02°21'13" W	222.50	S 02°34'42" W	S 02°07'45" W

Southeast 1/4 Corner  
Section 24-8-10  
Found Alum. Mon.  
City of Madison WCCS  
Dane Zone, 1997  
Index No. 710024  
Y = 505,333.08  
X = 857,936.12  
Y = 505,332.98  
X = 857,936.04

CERTIFIED SURVEY MAP NO.

VOLUME PAGE

DOCUMENT NO.

SHEET 1 OF 4  
Office Map No. 180684

