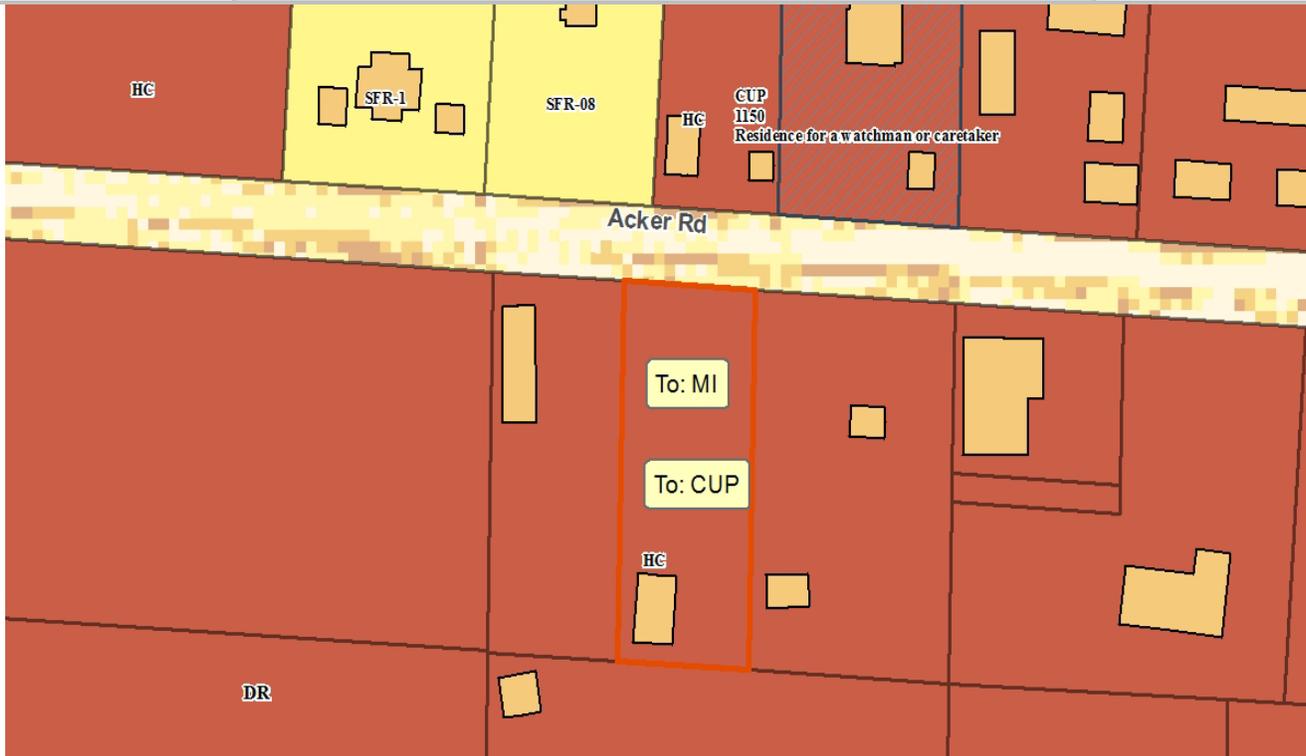


Staff Report  Zoning and Land Regulation Committee	Public Hearing: July 26, 2022		Petition 11867
	Zoning Amendment Requested: HC Heavy Commercial District TO MI Manufacturing and Industrial District		Town/Section: BURKE, Section 8
	Size: 0.94 Acres	Survey Required: No	Applicant: ZACHARY BRUMM
	Reason for the request: Allow the operation of a Type 1 salvage yard		Address: 4301 ACKER ROAD



DESCRIPTION: Applicant requests approval of MI (Manufacturing and Industrial) zoning for the existing ~1 acre parcel located at 4301 Acker Road, between County Highway CV and US 51 in the town of Burke. The MI zoning is requested to allow operation of a “Type 1” salvage yard, which is proposed under related Conditional Use Permit application #2570. According to information on the [Wisconsin DMV website](http://www.dmv.wisconsin.gov) regarding salvage dealer licenses, a type 1 salvage yard, “...dismantles vehicles and sells parts. Dealership facilities include an office and a yard.”

OBSERVATIONS: The subject property is currently zoned HC (Heavy Commercial). The previous owner used the property for storage. Surrounding land uses are a mix of heavy commercial, outdoor storage, open space, and rural residential. No sensitive environmental features observed. The property is located in a defined “protected area” in the town / city cooperative plan (areas not subject to early attachment to the city). The property will eventually be attached to the city of Madison in 2036.

Rezoning to the MI zoning district are subject to the requirements of section 10.280 of the county zoning code, which prohibits the county board from zoning land to the MI district that is wholly or partially within a zone of contribution of a municipal well, and also authorizes imposition of greater setbacks, lot widths, etc., where necessary to minimize impacts on adjoining properties. The property is not located wholly or partially within zone of contribution.

The application submittal did not include a site plan. Staff have requested that the applicant provide a detailed site plan as required by the zoning code.

TOWN PLAN: The property is located in the town’s Industrial / Business planning area. The town plan provides the following description:

Industrial / Business

Description: This future land use category includes indoor manufacturing, warehousing, distribution, and office uses, with outdoor storage areas. Also included in this category or uses like retail sales or service businesses, medical, dental and veterinary clinics, banks, offices, and office buildings, to list a few.

CITY OF MADISON PLAN: The property is covered by the city of Madison’s Hanson Road Neighborhood Development Plan. The plan designates the property and surrounding area as “Industrial”. Unless the proposal will involve the construction of more than one principal building, it will not constitute “development” as the term is defined by the [town/city cooperative plan](#). It does not appear city of Madison review will be required for the project.

RESOURCE PROTECTION: No resource protection areas located on or near the property.

STAFF: The applicant operates an existing auto salvage business at 4290 Hoepker Road and proposes to move the operation to the property at 4301 Acker Road. The anticipated Type 1 salvage license would allow the storage and dismantling of vehicles on the property and sales of parts. According to the application submittal, the operation would involve mostly sales of parts over the internet, with little retail traffic.

The business would employ 3 full time employees with proposed hours of operation of 8AM-5PM Monday-Friday, and 8AM-Noon on Saturday. An average of 5-30 tow truck trips / day are anticipated. The yard would be fenced to screen the outdoor storage area from view.



As noted above, the property is designated as “Industrial / Business” in the town of Burke plan. Unless multiple principal buildings would be built, it appears that the proposal is not subject to review by the city of Madison under the terms of the town/city cooperative plan. The proposed MI zoning appears reasonably consistent with town plan policies.

The MI zoning district is the most permissive category in the county zoning code. Some of the permitted uses may not be appropriate in the area, so staff recommends that the land uses be limited to be compatible with the existing and planned development pattern in the neighborhood. This could be accomplished by conditioning approval of the rezone petition on the owner recording a deed restriction on the property limiting the land uses to the following:

- Contractor, landscaping or building trade operations
- Indoor storage and repair
- Indoor sales.
- Light industrial uses
- Off-site parking lot or garage
- Office uses.
- Outdoor sales, display or repair.
- Outdoor storage
- Personal or professional service
- Utility services.

- Vehicle repair or maintenance services
- Salvage recycling operations

Such a deed restriction could also reference the town/city cooperative plan requirement that any signage meet city of Madison requirements.

The town of Burke has not yet taken action on this petition. Staff recommends postponement of the petition at the July 26th ZLR Public Hearing.

STAFF UPDATE: This petition was postponed at the July 26, 2022 ZLR Public Hearing due to no town action and public opposition. Owners of the two nearby residential lots spoke in opposition to the petition, expressing concerns about the potential negative impacts of the proposed land use. The town of Burke approved the rezone petition on August 17, 2022.

As noted above, the property is designated for commercial / industrial uses in both the town plan and City of Madison neighborhood plan, and existing land uses in the neighborhood are predominantly commercial in nature. The applicant indicates that no vehicle crushing is proposed, and that operations will be conducted in accordance with DNR licensing requirements.

Staff recommends approval of the rezoning petition, with the following conditions:

1. Owner shall record a deed restriction on the property that states the following:
 - a. Land uses on the property shall be limited exclusively to the following:
 - Contractor, landscaping or building trade operations
 - Indoor storage and repair
 - Indoor sales.
 - Light industrial uses
 - Off-site parking lot or garage
 - Office uses.
 - Outdoor sales, display or repair.
 - Outdoor storage
 - Personal or professional service
 - Utility services.
 - Vehicle repair or maintenance services
 - Salvage recycling operations
 - b. Any signage on the property shall comply with both section 10.800 of the Dane County Code of Ordinances (Dane County Sign Ordinance) and applicable city of Madison sign regulations, as specified in the [Town of Burke, Village of DeForest, City of Sun Prairie, and City of Madison Cooperative Plan](#). In the event of a conflict between the Madison and Dane County sign regulations, the more restrictive regulations shall apply.

Any questions about this petition or staff report please contact Majid Allan at (608) 267-2536 or allan@countyofdane.com.

TOWN: Approved with no conditions.