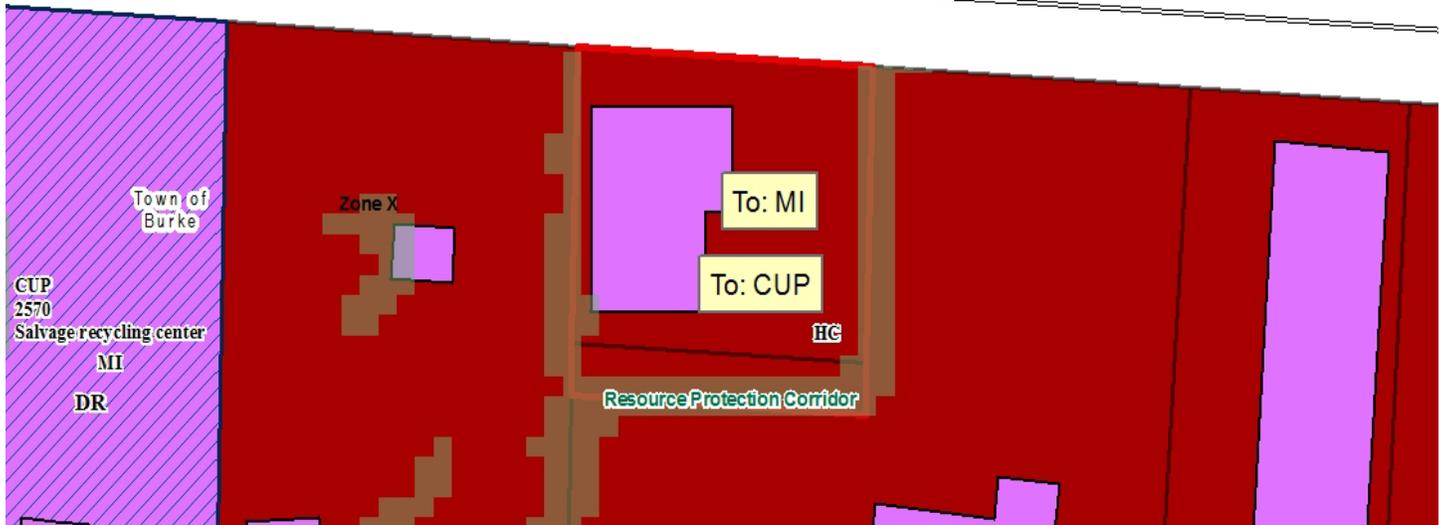


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> March 28, 2023	Petition 11931
	<i>Zoning Amendment Requested:</i> HC Heavy Commercial District TO MI Manufacturing and Industrial District	<i>Town/Section:</i> BURKE, Section 8
	<i>Size:</i> 0.6 Acres	<i>Survey Required:</i> Yes
	<i>Reason for the request:</i> Zoning to allow an auto salvage yard business	<i>Applicant:</i> LINDUS PROPERTIES LLC <i>Address:</i> 4281 ACKER ROAD



DESCRIPTION: Applicant Matthew Hunter requests approval of MI Manufacturing and Industrial zoning for an existing 0.6-acre property located at 4281 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” vehicle salvage yard with vehicle sales, which is proposed under related Conditional Use Permit application #2590. According to information on the [Wisconsin DMV website](#) regarding salvage dealer licenses, a Type 1 salvage yard, “...dismantles vehicles and sells parts. Dealership facilities include an office and a yard.”

OBSERVATIONS: HC zoning allows vehicle repair or maintenance service, outdoor storage, indoor storage and repair, and Outdoor sales, display or repair as permitted uses. MI allows salvage recycling operations as a conditional use.

Rezoned 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.

COMPREHENSIVE 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.

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".

The property is in an area that will transition to the City of Madison pursuant to the cooperative planning agreement between the town of Burke and the City of Madison, City of Sun Prairie, and Village of DeForest. The [cooperative plan](#) requires that all "development", as the term is defined in the plan, be subject to review and approval in accordance with the respective city/village development requirements. Development is defined as:

"Develop" or "development" refers to division of land, or construction of more than one principal structure on a parcel of land, or rezoning a parcel from a residential or agricultural classification to a non-residential classification. Use or division of land by the Town or Madison, Sun Prairie or DeForest for governmental purposes does not constitute development.

The applicant is not proposing to construct more than one principal building. While staff is recommending recording of a Certified Survey Map to clean up the existing property boundary, it's unclear that it that it would constitute a "division" of land since no new / additional parcel would be created. Given the circumstances of the proposal, it does not appear the requested zoning change and related CUP would trigger review by the city of Madison per the terms of the cooperative plan.

Pending any concerns expressed by the town in the course of its review, or by the city of Madison, the proposed rezoning appears reasonably consistent with comprehensive plan policies. (For questions about the comprehensive plan, contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com)

RESOURCE PROTECTION: There are no sensitive environmental features observed on the property.

TOWN ACTION: On March 15, 2023 the Town Board recommended approval of the rezone with the following conditions:

1. Kevin Lindus and Matthew Hunter obtaining approval of the rezone from Dane County and satisfaction of any conditions thereof by June 30, 2023. In the event this condition of approval is not fulfilled or waived by the Town Board by June 30, 2023, this approval shall be automatically null and void.

MARCH 28TH ZLR MEETING: The Committee postponed action due to public opposition. The neighboring business owner question why a deed restriction to limit land uses was not being required for this property given that his recent rezone to the MI Zoning District had limited land use requirement.

Under further review, 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, staff recommends that the land uses be limited in order to be compatible with the existing and planned development pattern in the neighborhood. This could be accomplished by conditioning approval to the following land uses: 1) Contractor, landscaping or building trade operations, 2) Indoor storage and repair, 3) Indoor sales, 4) Light industrial uses, 5) Off-site parking lot or garage, 6) Office uses, 7) Outdoor sales, display or repair, 8) Outdoor storage, 9) Personal or professional service, 10) Utility services, 11) Vehicle repair or maintenance services, and 12) Salvage recycling operations.

STAFF RECOMMENDATION:

The proposal meets the dimensional standards of the zoning district and appears to meet the policies found in the Town of Burke Comprehensive Plan and the City of Madison Comprehensive Plan. Staff recommends approval with following conditions:

1. A certified survey map shall be recorded with the Register of deeds to consolidate the portions of the property.
2. Kevin Lindus and Matthew Hunter obtaining approval of the rezone from Dane County and satisfaction of any conditions thereof by June 30, 2023. In the event this condition of approval is not fulfilled or waived by the Town Board by June 30, 2023, this approval shall be automatically null and void.
3. A deed restriction shall be recorded on tax parcels 0810-084-9680-3 and 0810-084-9688-5 stating the following:
Land use shall be limited exclusively to the following:
 - 1) Contractor, landscaping or building trade operations
 - 2) Indoor storage and repair
 - 3) Indoor sales
 - 4) Light industrial uses
 - 5) Off-site parking lot or garage
 - 6) Office uses
 - 7) Outdoor sales, display or repair
 - 8) Outdoor storage
 - 9) Personal or professional service
 - 10) Utility services
 - 11) Vehicle repair or maintenance services
 - 12) Salvage recycling operations

Any questions about this petition or staff report please contact Roger Lane at (608) 266-9078 or lane.roger@countyofdane.com