



**MEETING DATE:** November 12, 2019

**PREPARED BY:** Tim Semmann, AICP  
Planning Director

**FROM:** Technical Review Committee (TRC)

**REQUEST:** **TOKEN PROPERTIES, LLC:** requesting approval of a Miscellaneous Application to combine lots and rezone property at 6332 Portage Road to allow for outdoor storage use and the construction of two personal storage (mini-warehouse) buildings. (PC19-2739)

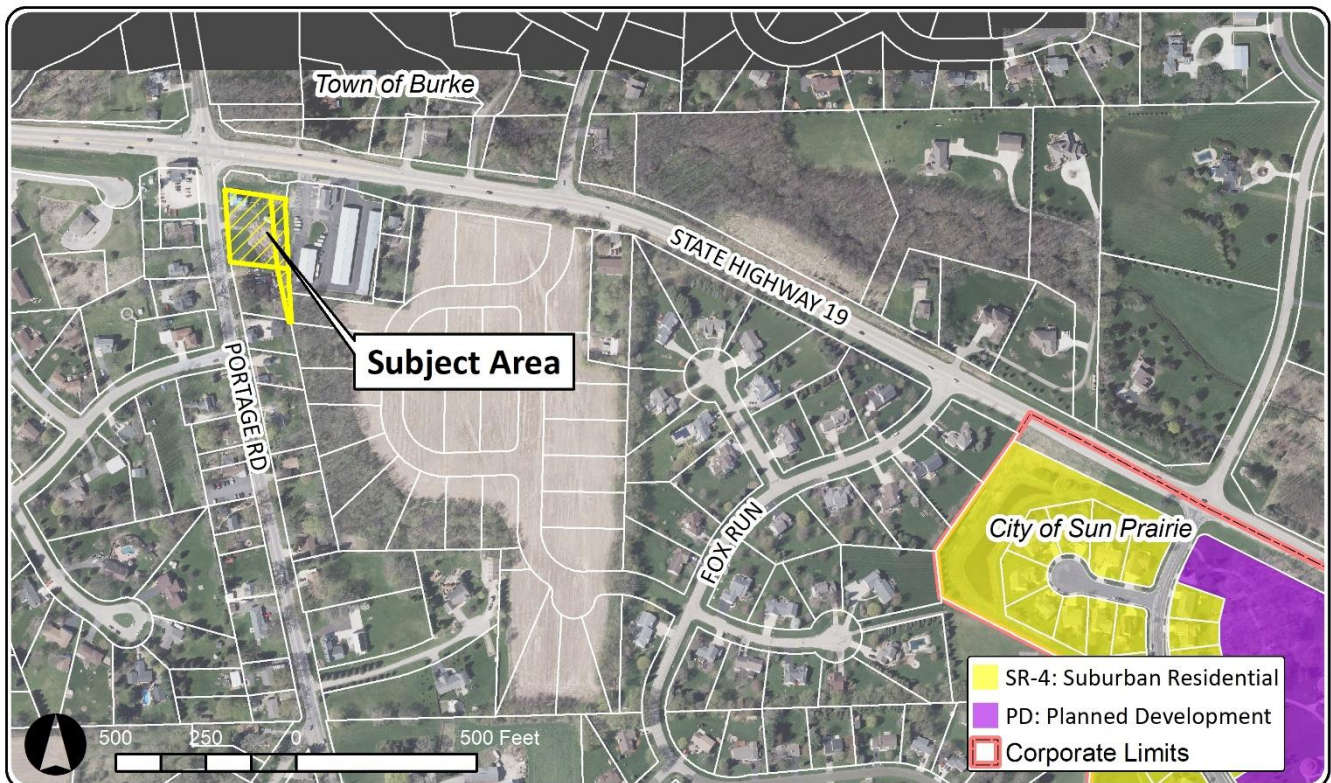
**APPLICANT:** Token Properties, LLC (Tom Schultz)      **OWNER:** same as applicant  
PO BOX 131  
DeForest, WI 53532

**SITE AREA:** 0.9 acres (approximate)

**CURRENT LAND USE:** undeveloped

**ADJACENT LAND USES:** North: transportation (STH 19), east: light industrial (storage); west: commercial and residential, south: single family residential

**COMPREHENSIVE PLAN:** Neighborhood Residential



## Overview

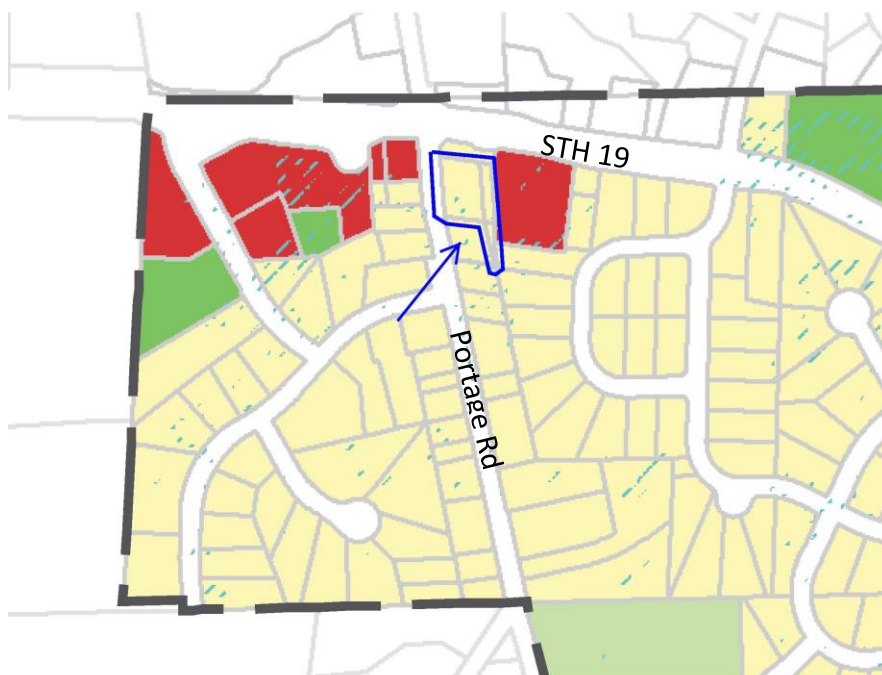
The applicant is requesting approval of a miscellaneous application that would allow for the consolidation of three lots into one lot near the SE intersection of STH 19 and Portage Road and re-zone the reconfigured site to the Heavy Commercial (HC) zoning designation under Dane County zoning. The re-zoning to HC would in turn allow for the construction of two new personal storage buildings and outdoor storage use. Personal storage and outdoor storage uses are permitted by right in HC zoning districts. The applicant owns the property immediately to the east of the subject sites, where he operates an existing personal storage business.

The subject properties are located in the Town of Burke within an area that will eventually become part of the City of Sun Prairie, pursuant to the four party Cooperative Plan between Sun Prairie, Madison, Burke, and DeForest. As such, any development in this part of the Town shall be subject to approval by Sun Prairie in accordance with the City's development requirements. The development review is triggered by the desire to re-zone to a non-residential classification and construct more than one principal structure.

## Staff Comments

### Compliance with Comprehensive Plan:

The request to rezone this site to a commercial designation is not consistent with the City's recently adopted comprehensive plan. The site area, along with much of the surrounding environs, has a land use classification of 'Neighborhood Residential' – identified in yellow on the adjacent image taken from Map 9-7 of the plan. Staff could conditionally support the request if an amendment to the comprehensive plan is approved and certain conditions attached to the approval that address some of the less desirable uses allowed under County zoning. To that end, the applicant has submitted a request to amend the plan to change the land use classification to 'Community Mixed Use' under a separate application (PC19-2746). Staff is recommending commercial land use as further discussed in that staff report.



### Land Uses:

The request to re-zone the lands to the 'Heavy Commercial' (HC) district, if approved, would allow a range of uses that would be controlled under Dane County zoning jurisdiction until the lands get annexed into the City. Even then, certain uses, if established, would be grandfathered and allowed to continue at the same intensity once they become part of the City. Attached to this report is a summary sheet of uses allowed in the HC district. Since lands near this intersection will someday be a gateway into the City, staff recommends a means by which some of the more intense uses that are permitted by right under the HC designation could be restricted. To that end, the applicant has offered to deed restrict the property from the following uses:

Adult Book Store  
Freight and Bus Terminals  
Outdoor Sales, Display or Repair

Outdoor Vehicle Repair or Maintenance Service  
Warehousing and Distribution Facilities

In addition, the applicant intends to install an eight foot tall decorative fence along the lot frontages facing STH 19 and Portage Road. The applicant would include two evergreen trees, likely arborvitae, per eight foot section of fence – as depicted in the image below.



The fence treatment along with landscaping is similar to what is required by the City’s ordinance for outdoor storage and personal storage uses; however, the City’s ordinance would require a greater degree of planting. There is a small parcel of land between the subject property and STH 19 that is owned by the WisDOT.

This situation is somewhat complicated by the fact that the City cannot levy conditions of approval in the same manner it could if the lands were under the zoning jurisdiction of the City. Therefore, the noted conditions of approval will be forwarded to the Town Board and Dane County. A petition to rezone a property under Dane County jurisdiction is reviewed by the Burke Town Board, which is scheduled to take action on this matter on November 20<sup>th</sup>, the day after the City Council makes its decision.

Per the Cooperative Plan,

*Any development in the Town shall, in addition to Town requirements, be subject to approval by DeForest, Madison or Sun Prairie; depending upon which municipality the subject territory will eventually be attached to, in accordance with the respective Village or City Development Requirements.*

The Town Board will incorporate the City’s determination into its decision and forward that to Dane County, currently scheduled to go before the County’s Zoning and Land Regulation Committee on November 26<sup>th</sup>. If the applicant installs the improvements as shown and places the above noted deed restrictions on the property, staff recommends approval of the requested re-zoning.

#### Recommendation

Staff recommends **conditional approval** of the request to combine lots and rezone property at 6332 Portage Road to Heavy Commercial, subject to the following conditions:

1. The requirements of this request shall be contingent upon the successful completion of the following items:
  - a) Approval of a City of Sun Prairie comprehensive plan amendment identifying the subject lands for commercial use.

- b) A copy of the recorded deed restrictions provided to the City within 30 days of approval by Dane County. Said deed restrictions shall include those uses as identified by the applicant's letter dated October 29, 2019, along with other use restrictions as set forth by the Town of Burke and Dane County.
- c) Prior to the issuance of a building permit, a landscaping plan, subject to review and approval of the City Planning Director, shall be submitted to the City of Sun Prairie that identifies the final planting schedule, along with the materials and location of the perimeter fencing. The location of the perimeter fencing shall be consistent with Dane County and Town of Burke standards.

### **Attachments**

- Resolution
- Dane County Zoning Summary Sheet – Heavy Commercial
- Application Materials

Cc: Applicant/Owner  
City Attorney  
Brenda Ayers, Town of Burke  
Roger Lane, Dane County

File: PC19-2739

PARCEL ID#: 0810-031-2321-4, 0810-031-2108-3, 0810-031-2353-6

**City of Sun Prairie, Wisconsin**

**A RESOLUTION APPROVING A REQUEST BY  
TOKEN PROPERTIES, LLC FOR APPROVAL OF A  
PETITION TO DANE COUNTY TO COMBINE LOTS  
AND REZONE PROPERTY AT 6332 PORTAGE  
ROAD TO ALLOW FOR OUTDOOR STORAGE USE  
AND THE CONSTRUCTION OF TWO PERSONAL  
STORAGE (MINI-WAREHOUSE) BUILDINGS.**

Presented: November 19, 2019

Adopted: November 19, 2019

**Resolution No.:**

**RESOLUTION**

**WHEREAS**, there has been submitted a request by Token Properties, LLC for approval of a petition to Dane County to combine lots and rezone property at 6332 Portage Road to allow for outdoor storage use and the construction of two personal storage (mini-warehouse) buildings., and,

**WHEREAS**, the City of Sun Prairie has adopted a comprehensive plan to guide the development and growth of the City, including the implementation of a desired community character; and,

**WHEREAS**, the City of Sun Prairie is a party to a Cooperative Plan that includes the City of Sun Prairie, the City of Madison, the Village of DeForest, and the Town of Burke, that provides for the eventual dissolution of Burke after a Protected Period of approximately thirty years (2037); and,

**WHEREAS**, the aforementioned Cooperative Plan states that any development in the Town shall, in addition to Town requirements, be subject to approval by DeForest, Madison or Sun Prairie; depending upon which municipality the subject territory will eventually be attached to; and,

**WHEREAS**, the lands located at 6332 Portage Road are planned to become part of the City of Sun Prairie, as included in the Cooperative Plan; and,

**WHEREAS**, on Tuesday, November 12, 2019 the Plan Commission held a public meeting to consider the request for approval of the re-zoning and conditional use; and,

**WHEREAS**, the City Council has carefully reviewed the petition, binding submittal documents, Staff's report and recommendations for Case No: PC19-2739 dated November 12, 2019 and the Plan Commission's report to the City Council dated November 13, 2019 and has determined that the proposed rezoning and certified survey map, is in the best interests of the City and should therefore be approved, with regulations and conditions.

**NOW, THEREFORE, BE IT RESOLVED** that the request by Token Properties, LLC for approval of a petition to Dane County to combine lots and rezone property at 6332 Portage Road to allow for outdoor storage use and the construction of two personal storage (mini-warehouse) buildings, attached hereto as Exhibit "A", be, and the same is hereby approved with the following regulations and conditions of approval:

1. The requirements of this request shall be contingent upon the successful completion of the following items:

- a) Approval of a City of Sun Prairie comprehensive plan amendment identifying the subject lands for commercial use.
- b) A copy of the recorded deed restrictions provided to the City within 30 days of approval by Dane County. Said deed restrictions shall include those uses as identified by the applicant's letter dated October 29, 2019, along with other use restrictions as set forth by the Town of Burke and Dane County.
- c) Prior to the issuance of a building permit, a landscaping plan, subject to review and approval of the City Planning Director, shall be submitted to the City of Sun Prairie that identifies the final planting schedule, along with the materials and location of the perimeter fencing. The location of the perimeter fencing shall be consistent with Dane County and Town of Burke standards.

APPROVED: \_\_\_\_\_  
Paul T. Esser, Mayor

Date Approved: November 19, 2019

Date Signed: \_\_\_\_\_, 2019

This is to certify that the foregoing resolution was approved by the Common Council of the City of Sun Prairie at a meeting held on the 19th day of November, 2019, and was submitted for signatures on the \_\_\_\_\_ day of November, 2019.

\_\_\_\_\_  
Elena Hilby, City Clerk