

**Staff Report**



**Zoning and Land Regulation Committee**

Public Hearing: **April 27, 2021**

Zoning Amendment Requested:

**HC Heavy Commercial District TO MI Manufacturing and Industrial District**

Size: **5.1 Acres**

Survey Required: **No**

Reason for the request:

**Change zoning to allow for an automotive recycling and salvage business**

**Petition 11672**

Town/Section:

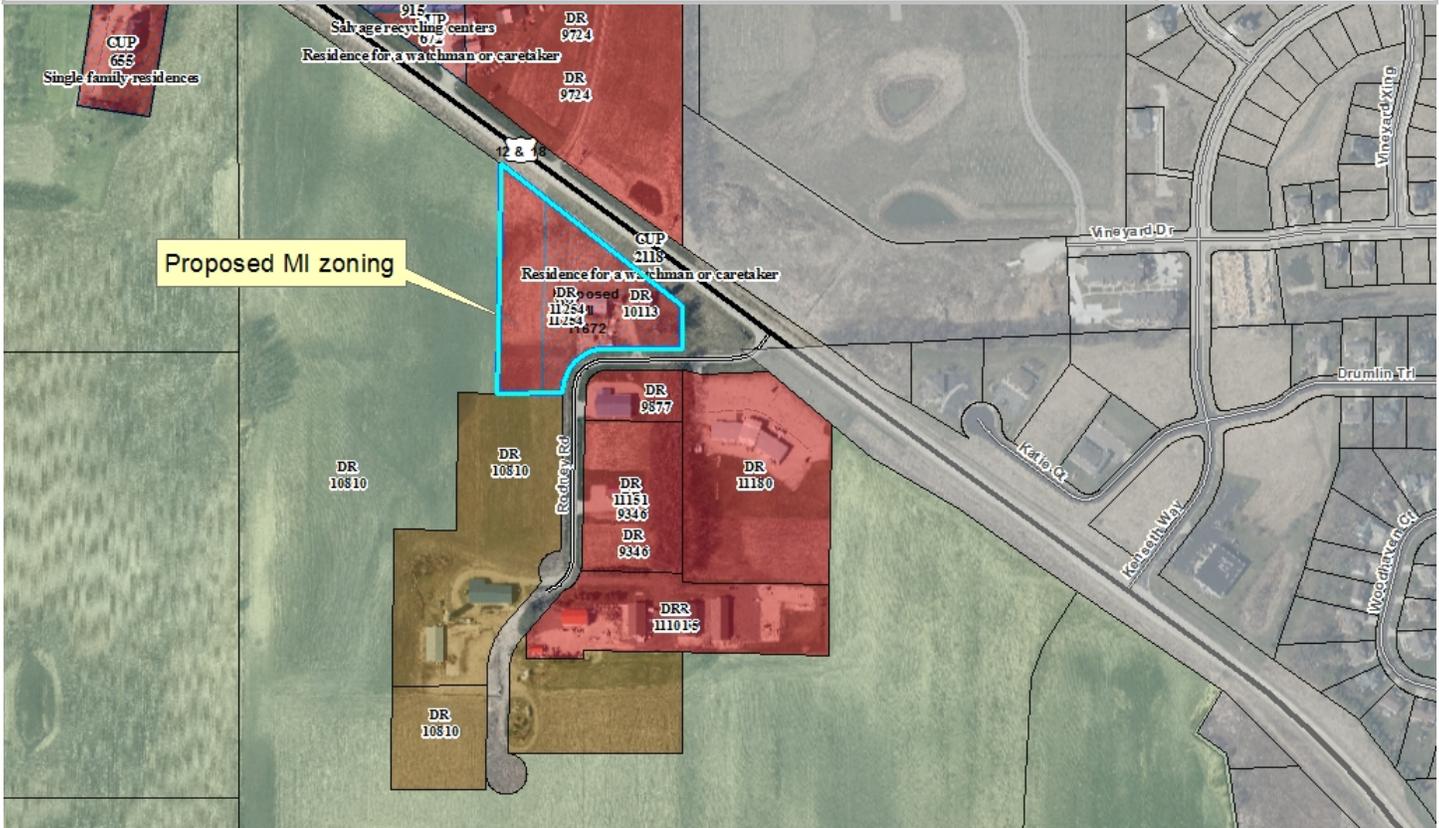
**CHRISTIANA, Section 2**

Applicant

**ROBERT H JOHNSON**

Address:

**275 US HWY 12&18**



**DESCRIPTION:** Applicant, American Auto Madison LLC, is requesting approval of a zoning change from HC (Heavy Commercial) to MI (Manufacturing & Industrial District) on the existing ~5.1 acre parcel to allow for an automotive recycling and salvage business. American Auto operates an auto sales and service business at 1894 E. Washington Ave in the city of Madison. The existing residence on the property would be retained and renovated on the easterly 1.1 acres of the property. The auto salvage business would initially be run out of the existing 4,000 square foot building on the property, with a new building planned within the first year of operation.

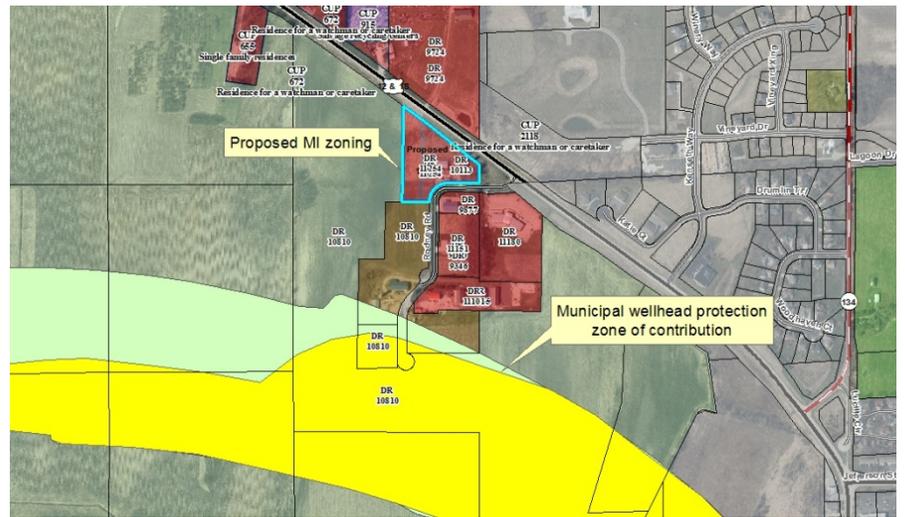
Applicant indicates that up to 50 later model vehicles would be delivered to the property weekly and dismantled and recycled within the existing building, which will also include an office and customer service counter. An addition is planned to the existing building that would be used for storing tires and waste fluids in accordance with state standards. The business would employ up to 6 full time workers in addition to the business owner with hours of operation 9am-6pm Monday-Saturday. Should the MI zoning change be approved, the applicant will submit a Conditional Use Permit for the auto salvage operation.

**OBSERVATIONS:** Primary existing use of the property is residential. Property is zoned HC with deed restrictions limiting uses to the owner’s residence and trailer sales business. Although the property has frontage on US Highway 12/18, access to the property is via Rodney Road. Surrounding land uses include agriculture and commercial. Other businesses along Rodney Road include a metal working/engraving business, limousine service, natural products laboratory and consulting business, contractor and indoor storage businesses. There is also an existing auto salvage yard (Cindy’s Classics) north of the highway at 300 US 12/18 that has been in operation since 1991.



The zoning code indicates that the county board may not rezone land to MI that is located wholly or partially within a zone of contribution of a municipal well. The reason for this requirement is due to concerns with the potential for pollutants associated with permitted and conditional uses to enter groundwater and contaminate drinking water supplies.

While the property is not wholly or partially within a zone of contribution, it is located within 1,000 feet of one.



**STAFF UPDATE:** At meeting on May 10<sup>th</sup>, the town board of Christiana voted 2-0 to approve the petition with one abstention (the listing agent for the property). The approval included a condition shrinking the size of the MI (Manufacturing and Industrial) zoning from 5 acres to 2 acres with the other ~3 acres to remain HC (Heavy Commercial) with a limit on allowable uses to, “indoor sales, indoor storage/repair, office uses, and vehicle repair or maintenance service”. The town action did not address the apparent continued residential use of the home on the property. As proposed, the existing residence would become a nonconforming use.

It appears that the 2 acres the town approved for MI zoning is based on the revised site plan submitted by the applicant (see site plan image on page 2, above). However, it is unclear if the town intended to limit the range of allowable uses across both the HC and MI zoned areas, or just the HC zoned area. The town approval would result in split MI/HC zoning on the 5 acre lot. At a minimum, a metes and bounds legal description would need to be submitted to effectuate the town’s conditional approval. As indicated above, if the MI zoning is approved, the applicant would need to apply for a Conditional Use Permit for the planned auto salvage recycling operation.

Split zoning on a 5 acre property is rarely advisable, particularly if each area is subject to different limitations on allowable land uses. Unlike property boundaries, zoning boundaries can and often do get blurred over time, leading to difficulty in zoning enforcement. The salvage yard across US 12/18 is a case in point regarding this difficulty.

The village of Cambridge has submitted a letter opposing the zoning change. They note that, “...*There has been much discussion at the Village level of what the entrance to the Village will look like in the future. There were concerns that salvage yards would be flanking both sides of the highway, as well as the potential solar project. There were also discussions regarding property values of neighboring properties and future growth and development...*”

There are numerous concerns with the proposal as noted in this report. These include the proposal’s inconsistency with comprehensive plan policies, hydric soil characteristics of the property, incompatibility of neighboring land uses, and village of Cambridge opposition.

Staff believes that the proposed rezoning to MI is inconsistent with the adopted town plan policies. Staff recommends that the petition be denied based on the following finding:

1. The proposed MI zoning is inconsistent with adopted comprehensive plan policies which do not allow for the types of intensive commercial uses allowed within the MI district or in areas where soil characteristics are incompatible with the proposed development.

If you have any questions about this staff report, please contact Senior Planner Majid Allan at (608) 267-2536 or [allan@countyofdane.com](mailto:allan@countyofdane.com)

**TOWN:** The town of Christiana approved the petition with the following amendment and condition:

Rezone 2 acres from HC to M1 for auto salvage recycling yard. The remainder 3.1 acres to remain HC with the permitted uses of indoor sales, indoor storage/repair, office uses, and vehicle repair or maintenance service.