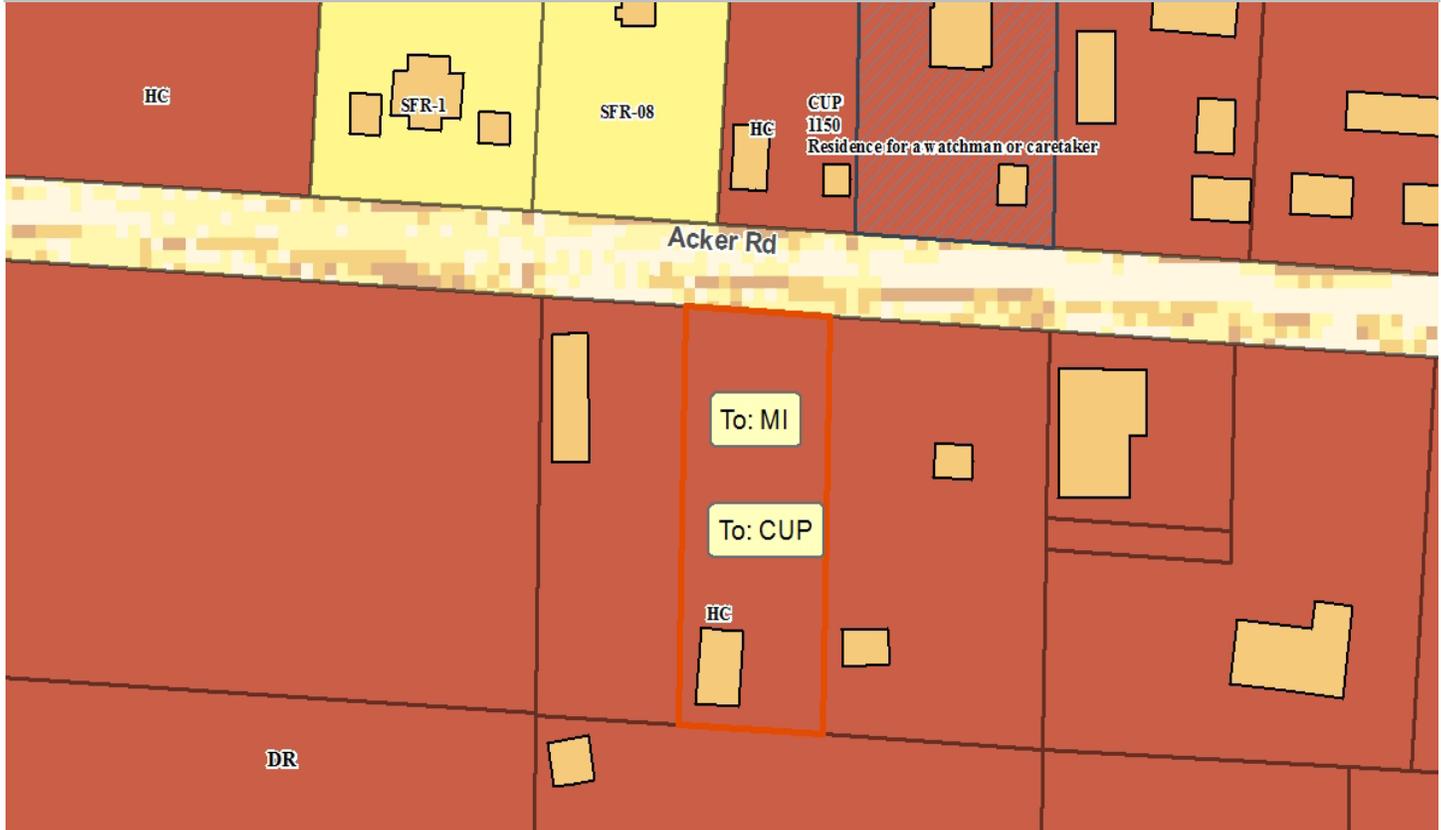


Staff Report  Zoning and Land Regulation Committee	Public Hearing: July 26, 2022		CUP 02570
	Zoning Amendment Requested: TO CUP: Salvage Yard		Town/Section: BURKE, Section 8
	Size: 0.94 Acres	Survey Required.	Applicant ZACHARY BRUMM
	Reason for the request: Type 1 Salvage Yard		Address: 4301 ACKER ROAD



DESCRIPTION: Applicant requests approval a Conditional Use Permit for an auto salvage recycling operation on the existing ~1 acre parcel located at 4301 Acker Road, between County Highway CV and US 51 in the town of Burke. Salvage recycling is listed as a conditional use under the Manufacturing and Industrial (MI) zoning district, which is proposed for the property under related rezone [petition #11867](#). The proposal is for operation of a “Type 1” salvage yard (full service), which includes dismantling of vehicles and sales of parts. The business would have 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.

OBSERVATIONS/ FACTUAL INFORMATION: The subject property is currently zoned HC (Heavy Commercial). Surrounding land uses are a mix of heavy commercial, outdoor storage, open space, and rural residential. There are four residential dwelling units (2 single family, and 1 duplex) located 250-350’ away from the subject property. The residence at 4296 Acker Road is for a watchman/caretaker of the business located on the property.

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, 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 municipal well 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:

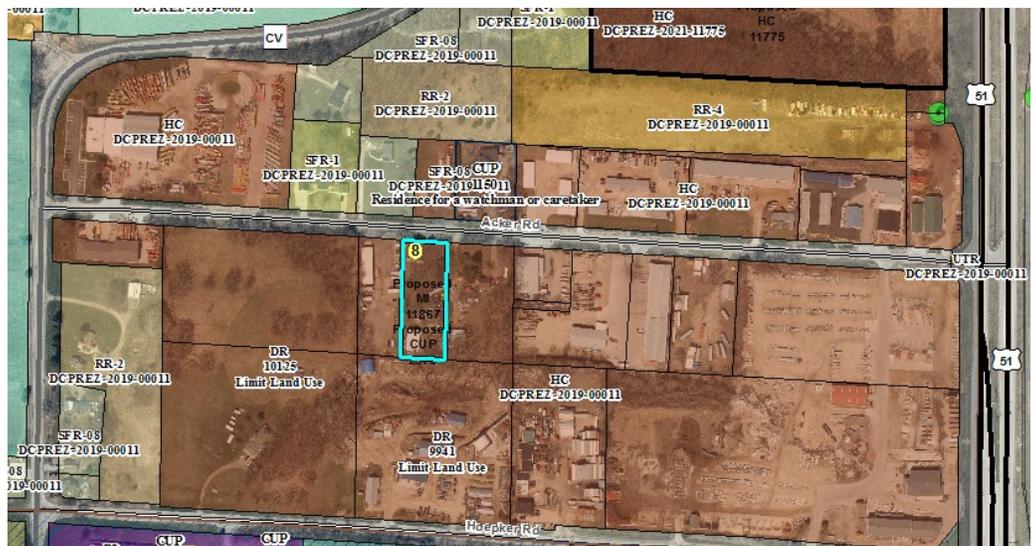
Industrial / Business

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.



As noted above, the property is designated as "Industrial / Business" in the town of Burke plan. The proposed land use appears reasonably consistent with town plan policies.

Issues typically associated with salvage yards include, but are not limited to, concerns over traffic, aesthetics, noise, and release of pollutants into the environment. Regarding environmental concerns, licensed Wisconsin salvage dealers must register with the Wisconsin Department of Natural Resources (DNR) [Storm Water Program](#) and Wisconsin DNR [Refrigerant Recovery Program](#). The property is in an area planned for industrial land uses with access to major transportation corridors (US 51 and Interstate 39/90). The applicant proposes to install a privacy fence around the yard (6' tall along Acker Road, 8' tall along sides/back), which will largely mitigate aesthetic concerns. Noise generation would include truck traffic as well as moving of vehicles around the yard with machinery. Applicant indicates that vehicle dismantling will occur inside the building.

The town of Burke will hold its public hearing on the proposal on August 3rd.

Staff recommends postponement of the CUP application at the July 26th public hearing to allow an opportunity for public testimony, town action, and receipt and review of a detailed site plan for the proposal. Staff will update this report and recommendations prior to the petition appearing on a future ZLR agenda.

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

STAFF UPDATE: CUP 2570 was postponed at the July 26, 2022 ZLR Public Hearing due to no town action and public opposition. Neighboring residents expressed concern over the potential for negative impacts from the proposed salvage recycling use. The town has since approved the CUP with 21 conditions.

Staff believes that the applicant has provided substantial evidence that the proposed use will comply with the applicable standards for approval of a Conditional Use Permit and has agreed to meet all required conditions. The recommended conditions of approval, below, incorporate the town's conditions and are designed to ensure that the proposal satisfies the standards of approval of a Conditional Use Permit.

Staff recommends that the ZLR Committee approve the CUP, finding that the CUP satisfies the standards of approval for a Conditional Use Permit, subject to the following conditions:

1. Any conditions required for specific uses listed under s. [10.103](#), specifically, [10.103\(17\)](#).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan. This condition includes applicable requirements listed in the town of Burke conditions (see conditions 14-35).
3. New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
4. The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
5. Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
6. Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. [10.102\(8\)](#).
9. If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
10. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.

11. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
12. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
13. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

TOWN CONDITIONS:

14. This conditional use is strictly for Zachary Brumm, doing business as ZB Salvage & Recycling located at 4301 Acker Road in the Town of Burke.
15. Owner must provide sanitary facilities such as well and septic.
16. Hours of operation shall be limited as follows:
 - a. 8:00 a.m. to 5:00 p.m., Monday through Friday
 - b. 8:00 a.m. to 12:00 p.m., Saturday.
17. No outdoor operations of any kind shall take place on Sundays or legal holidays.
18. Property must be screened with privacy fencing per photo provided in application such as corrugated steel panels. The fence shall be painted in a consistent color. Front fence will be 6 feet in height and 8 feet on the sides with no fence in back where the 8-foot berm already exists.
19. Dismantling of vehicles shall take place inside the building.
20. All business vehicles and machinery shall be kept in running condition and in good maintenance.
21. Driveway improvements must be permitted by the Town and must be with stormwater run off in mind. Neighbor properties must not be negatively impacted. There shall be an asphalt apron, size and placement approved by the Town engineer, to mitigate mud and gravel to travel out onto Acker Road.
22. Property must contain lighting.
23. Outdoor signage must meet Dane County zoning requirements.
24. Owner shall meet DNR standards for indoor and outdoor storage of salvaged vehicles.
25. An on-site hazardous material spill containment kit large enough to capture a complete spillage is required.
26. Outdoor storage of salvage materials, merchandise, vehicles, and equipment shall be done in an orderly manner.
27. The existing trees bordering the property shall be maintained and serve as screening between the outdoor storage areas and adjoining properties.
28. All hazardous materials or liquids must be stored properly.
29. Fuel storage. All fuel storage must comply with ATCP 93, Wisconsin Administrative Code, including provisions for secondary spill containment.
30. The applicant shall apply for and receive all other required local, state, and federal permits.
31. The conditional use permit shall be for a Type 1 License Salvage Yard only.
32. The Conditional Use Permit (CUP) shall expire upon sale of property.
33. There will be no car crushing at this location.
34. There will be no vehicle storage (stacking) higher than fence height in front.
35. Screening of current trees or replacement with arborvitae in front of fence between Acker Rd and fence is required.

TOWN: Approved with the following conditions:

- 1) This conditional use is strictly for Zachary Brumm, doing business as ZB Salvage & Recycling located at 4301 Acker Road in the Town of Burke.
- 2) Owner must provide sanitary facilities such as well and septic.
- 3) The Town Board and Plan Commission approve the following hours of operation.
 - 8:00 a.m. to 5:00 p.m., Monday through Friday
 - 8:00 a.m. to 12:00 p.m., Saturday.No outdoor operations of any kind shall take place on Sundays or legal holidays.
- 4) Property must be screened with privacy fencing per photo provided in application such as corrugated steel panels. The fence shall be painted in a consistent color. Front fence will be 6 feet in height and 8 feet on the sides with no fence in back where the 8-foot berm already exists.
- 5) Dismantling of vehicles shall take place inside the building.
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- 7) Driveway improvements must be permitted by the Town and must be with stormwater run off in mind. Neighbor properties must not be negatively impacted. There shall be an asphalt apron, size and placement approved by the Town engineer, to mitigate mud and gravel to travel out onto Acker Road.
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