

Memorandum

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To: Tim Parks and Rick Roll, City of Madison
From: Rachel Holloway, JSD Professional Services
Re: Mad City Power Sports Rezoning Submittal
JSD Project #: 16-7354
Date: December 20, 2016
cc: Hans Justeson, JSD Professional Services; George Vetesnik, Mad City Motor Sports

Introduction

On behalf of Vetesnik Enterprises LLC, JSD Professional Services (hereafter "JSD") is hereby requesting approval of the rezoning of Lot 1 CSM 12830 (parcel 0810-054-9685-0) from A-2 to C-2 zoning, per the Cooperative Plan between the Town of Burke, City of Madison, Village of DeForest and City of Sun Prairie. The rezoning is requested for the purpose of enabling the display of commercial goods for sale in a limited area north of Token Creek. The enclosed submittal documents consist of a Zoning Exhibit showing the area intended for commercial use, supplemental exhibit maps, application forms, and the Town approval resolution.

We recognize that coordination with Town of Burke, Dane County, and City of Madison staff is needed for the proposed rezoning. The applicant team has been consulting with Town, County and City staff via email and phone since June 2016. The Town Board conditionally approved the rezoning on November 16, 2016, but has indicated they will defer to the City of Madison on the specific conditions of approval. The Dane County Zoning and Land Regulation Committee has held a public hearing but has postponed action on the proposal until the City of Madison acts on the proposal per the Cooperative Plan. We request the opportunity to obtain a recommendation from the City Planning Commission in February, followed by Common Council consideration and approval as soon as possible thereafter.

The applicants are committed to working with municipal staff to satisfy ordinance requirements and will, within reason, provide collaborative assistance in order to address any concerns.

Existing Conditions

Lot 1 is located in the Town of Burke between Interstate 90/94/39 and Daentl Road, at the northwest corner of the I-90/USH 51 interchange. The parcel is bisected by Token Creek, which runs east to west from under the adjacent highway corridor into a wetland area to the west. The northern end of the parcel includes a gravel parking area (approximately 10,890 square feet); the south end contains a private stormwater management area. An overhead ATC electric line runs along the property edge along the Interstate right-of-way. Roughly 85% of the parcel is mapped Environmental Corridor, consisting of the stormwater management area and Token Creek, floodplain and wetlands.

The current zoning for Lot 1 is A-2, which is limited to agricultural, single-family residential, and related accessory uses. The remainder of the Vetesnik property is zoned C-2 Commercial (Lot 2 CSM 12830, home of Mad City Power Sports), and A-2 (Lot 3 in the south, which is undevelopable due to wetlands). See Zoning image below).

In 2009, a rezoning was approved for the adjacent Lot 2 in conjunction with a commercial signage proposal and an effort to match the zoning boundaries in the area to the existing wetland and stormwater management areas. The developable area of Lot 1 is constrained by several factors, including water features, wetlands, floodplain, the associated buffers and mapped Environmental Corridor, Shoreland Zoning, and a 50-foot electric utility

easement for the overhead ATC lines (see attached CSM, Site Conditions Map, and Environmental Corridor Map for current conditions).

Existing Zoning (from DCiMap):



The Town Board clarified its intended future land use for the site by approving the proposed zoning (see attached approval resolution). Mapped Environmental Corridor on Lot 1 is comprised of the entire area south of Token Creek and some of the northern bank of the Creek. Most of the land north of the creek (approximately 77%) is outside of the mapped Corridor (see attached Site Conditions and Environmental Corridor Maps).

In addition to the environmental and regulatory conditions noted above, Lot 1 is also subject to a deed restriction enforceable by the City of Madison (attached Register of Deeds document #4623768) that prohibits the construction of permanent or temporary buildings unless the lot is both further subdivided and the proposed use approved by the City of Madison. A separate deed restriction enforceable by Dane County (attached Register of Deeds document #4623767) prohibits buildings south of Token Creek. The applicant wishes to address the City deed restriction by obtaining approval of the rezoning and the limited use of displaying portable goods for sale, without requiring further subdivision of the land or the removal of the existing deed restriction. The details of the proposed land use follow below.

Description of Propose Use

The rezoning to C-2 Commercial is proposed to enable the owner to use the northern portion of Lot 1 – approximately 10,890 square feet of area outside the Environmental Corridor – in order to continue to display commercial goods for sale, including motorized and non-motorized vehicles, portable storage sheds, and other similar items (see attached Zoning Exhibit). The site has been used in the past to display goods, including motorized recreational vehicles and pre-fabricated portable storage sheds. Recently, this activity resulted in zoning violation notices from Dane County and the suggestion to rezone the land to C-2 Commercial to allow this use. In an April 14 email to the property owner, County staff indicated that “in order to display sheds on the property, the property will need to be rezoned to C-2 Commercial to allow sales and storage of building materials or sales of vehicles and recreational equipment.”

C-2 zoning is requested because it allows various commercial uses, including retail and service uses, sales of new and used motor vehicles and recreational equipment, and sales and storage of lumber and building material, and the parking or storing of motor vehicles. The proposed use (commercial display of portable/mobile goods and materials) is believed to be consistent with retail and storage uses, and with the existing deed restriction, and as noted was the district suggested by County Staff.

The area proposed for display of goods is approximately 10,890 sq ft (.25 acres), and does not encroach into any areas designated for environmental corridor, including floodplain and wetlands. No permanent buildings or structures are proposed to be built on Lot 1, now or in the future, and no land disturbance is proposed.

The Town's approval resolution indicates approval for the display of "accessory buildings offered for sale". The applicants were not aware of this condition, and in subsequent communication with the Town the Clerk indicated that the condition language resulted from the focus of the discussion at the Town Board meeting, and not necessarily an intent by the Board to disallow the display of motorized vehicles. The Town Clerk has requested that the proposal to go the City of Madison per the Cooperative Plan, before a clarification or re-approval is requested from the Town. Vetesnik Enterprises, LLC's request to the City is for the display of motorized vehicles as well as portable sheds for sale.

Compatibility and Benefits of Rezoning

The proposed rezoning will be compatible surrounding development and provide benefits as follows:

- Surrounding development – The site is adjacent to the Interstate 90/94/39 corridor to the north and east, and a sanitary lift station for the Village of DeForest abuts the lot to the west within Daentl Road right-of-way (Vetesnik has allowed the Village to use his land north of Token Creek for access to the lift station). Across the Interstate to the northeast is a commercial industrial/warehouse site (the former NAMI site); to the south is the Mad City Power Sports commercial retail business and a wetland complex; to the west (across Daentl Road) is a small group of residences, two of which face the site. Only one residence is directly across from the site, and an existing vegetated strip along Daentl Road (in the public right-of-way) provides screening of the site from the residence (which also faces the Interstate).
- Value of land – Lot 1 is currently assessed at \$16,600. It has no developable value due to the existing building restrictions. Rezoning the land and allowing legal commercial displays of goods will provide value to the land owner and the Mad City Motor Sports business.
- Clarifying ownership through use – The owner believes that enabling the use of the site for displaying goods will discourage people from trespassing on the site and dumping refuse there, which has been an issue in recent years and may be exacerbated by the site's lack of a visible relationship to Mad City Power Sports.

The proposed rezoning will clarify the existing land use/zoning issue, and establish the highest and best use of the site as commercial property.