

**From:** [Tucker, Matthew](#)  
**To:** ["Motorcycle Performance"](#)  
**Cc:** [Parks, Timothy](#)  
**Subject:** RE: Land use change to affect Zoning?  
**Date:** April 08, 2020 9:55:48 AM  
**Attachments:** [24.08\\_\\_NOISE\\_CONTROL\\_REGULATION..pdf.pdf](#)

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Hi Bill- Mr. Degen's request involves the redevelopment of the site under existing zoning, with no zoning district change proposed to his (or your) property.

You specifically ask a few questions, which I will try to answer.

*Q: Does this affect the zoning and noise on adjacent parcels not owned by him?* A: No, the request is for his property only, and does not change zoning on other property. Specifically related to noise, I have a few more detailed comments:

1. The noise control regulations that apply to fixed equipment, such as air conditioning compressors, equipment fans, etc. stays the same. The zoning is not changing at all, so the noise ordinances regulating the amount of noise that may receive at the property line is not changing.
2. These same noise ordinance requirements recognize existing businesses, such as yours, and allow for some "nonconforming use" continuation related to noise being generated from your business operation. I would say this applies to things like vehicle/motor dynamometer runs, engine testing, general motor running associated with building, tuning and repairs, compressors and similar equipment.

Attached is a copy of the current noise control regulations, with some relevant subsections highlighted.

*Q: I am at a loss to know where to start with staff on this.* A: I can be of assistance if you have technical questions about the Zoning Ordinance or other ordinances, as can Planner Tim Parks who is assigned to this case. I also encourage you to communicate with your alder about your concerns.

This leads us to the bigger question... what does this change practically mean to the ongoing activities of your business? I think you might end up being the source of some noise complaints from new nearby residents in the new buildings, where in the past, I am not aware that you had any such complaints. If the complaints are related to noise associated with business activities, the City may be able to act on these complaints, because you have a pre-existing established use. If complaints come from sources like open door and radios blaring into the night, or a similar behavior-related complaint, the city could take action to quiet things down.

Final note: You have a potentially noisy business that could generate complaints, and you seem fully aware of that fact. Whatever it is you have been doing (very successfully) for decades to muffle noise and keep the peace in the neighborhood, that practice should continue.

Let me know if you have any questions.

Matt Tucker

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**From:** Motorcycle Performance [mailto:mcperf@tds.net]  
**Sent:** Monday, March 16, 2020 10:51 AM  
**To:** Tucker, Matthew <MTucker@cityofmadison.com>  
**Subject:** Land use change to affect Zoning?

Hello Matt,

As you are aware, the redevelopment of Tom Degen's parcel on University Avenue involves a land use change.

Does this affect the zoning and noise on adjacent parcels not owned by him? My concern is that we would be restricted on our use and enjoyment of our parcel if the use was changed to accommodate Degen's needs, which would surely occur.

Having been here over 41 years, we have had the zoning go from M-1 to C-3. A mixed Res. deal would not work.

Any thoughts on this or referrals you could make.

I am at a loss to know where to start with staff on this.

I also have had no assurance from Degen that he won't go after our use at the same time as he tries to change his. He tried to get a TIF district on this whole parcel at one time, snuck through with the redevelopment east of here. We objected and were excluded.

Thank you very much,  
Bill Whisenant