

# Dane County Conditional Use Permit Application

<b>Application Date</b>	<b>C.U.P Number</b>
03/05/2021	DCPCUP-2021-02518
<b>Public Hearing Date</b>	
05/25/2021	

<b>OWNER INFORMATION</b>	<b>AGENT INFORMATION</b>
--------------------------	--------------------------

OWNER NAME WICOMPANYII LLC	Phone with Area Code (608) 628-3548	AGENT NAME STEVE SUTER	Phone with Area Code (608) 628-3548
BILLING ADDRESS (Number, Street) 343 LAKE KEGONSA RD		ADDRESS (Number, Street) 343 LAKE KEGONSA ROAD	
(City, State, Zip) OREGON, WI 53575		(City, State, Zip) Oregon, WI 53575	
E-MAIL ADDRESS suterwalt@gmail.com		E-MAIL ADDRESS suterwalt@gmail.com	

<b>ADDRESS/LOCATION 1</b>	<b>ADDRESS/LOCATION 2</b>	<b>ADDRESS/LOCATION 3</b>
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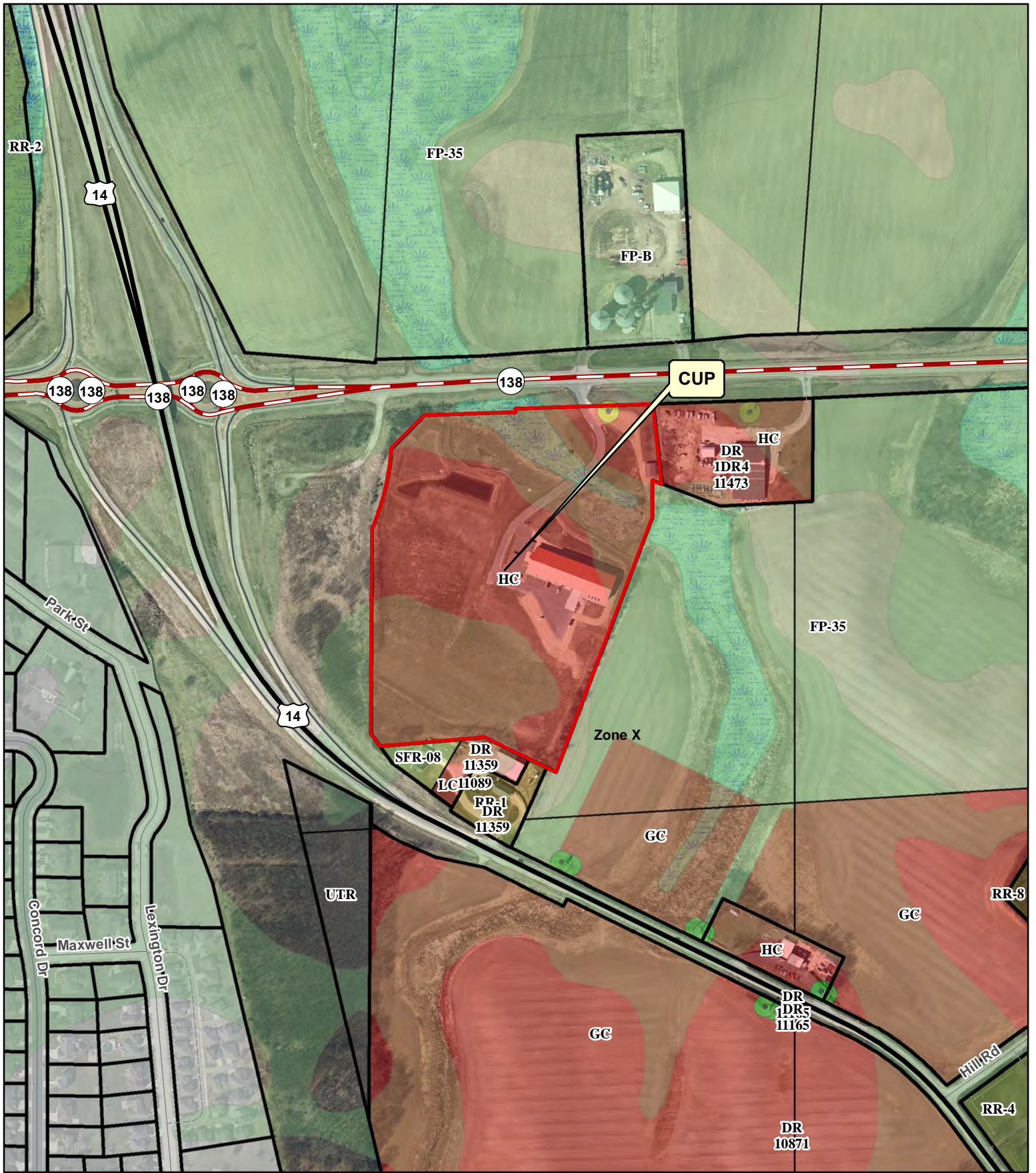
ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP	
4645 State Hwy 138					
TOWNSHIP RUTLAND	SECTION 7	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0510-072-8120-0		---		---	

**CUP DESCRIPTION**





Allow for the construction of a personal storage facility (mini-warehouses) in accordance with current deed restrictions on property

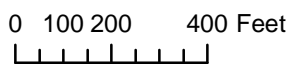
<b>DANE COUNTY CODE OF ORDINANCE SECTION</b>	<b>ACRES</b>
--	--------------

<b>DEED RESTRICTION REQUIRED?</b>  <input type="checkbox"/> Yes <input type="checkbox"/> No  Applicant Initials _____	Inspectors Initials  RWL1	<b>SIGNATURE:(Owner or Agent)</b>  <hr/> <b>PRINT NAME:</b>  <hr/> <b>DATE:</b>  <hr/>
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**Legend**

- |   |   |
|---|---|
|  Wetland    | <b>Significant Soils</b>  |
|  Floodplain |  Class 1 |
|   |  Class 2 |



**CUP 02518**  
**WICOMPANYII LLC**



**Dane County**  
**Department of Planning and Development**  
 Zoning Division  
 Room 116, City-County Building  
 210 Martin Luther King Jr. Blvd.  
 Madison, Wisconsin 53703  
 (608) 266-4266

Application Fees	
General:	\$495
Mineral Extraction:	\$1145
Communication Tower:	\$1345 (+\$5000 RF eng review fee)
PERMIT FEES DOUBLE FOR VIOLATIONS OR WHEN WORK HAS STARTED PRIOR TO ISSUANCE OF PERMIT	

## CONDITIONAL USE PERMIT APPLICATION

### APPLICANT INFORMATION

Property Owner Name:	WI COMPANY II LLC	Agent Name:	Steve Suter
Address (Number & Street):	4645 State Hwy 138	Address (Number & Street):	343 Lake Keshona Rd
Address (City, State, Zip):	Oregon WI 53575	Address (City, State, Zip):	Oregon WI 53575
Email Address:	suterwalt@gmail.com	Email Address:	suterwalt@gmail.com
Phone:	608-628-3548	Phone:	618-628-3548

### SITE INFORMATION

Township:	Rutland	Parcel Number(s):	0510-072-8120-0
Section:	7	Property Address or Location:	4645 State Hwy 138
Existing Zoning:	HC	Proposed Zoning:	
Notes:	Lot 2 ESM 13808 CS 91/208- 211 09/15/2014		

### DESCRIPTION OF PROPOSED CONDITIONAL USE

Type of conditional use permit (for example, limited family business, animal boarding, mineral extraction, or any other listed conditional use): **storage units "mini-walk-houses"**

Is this application being submitted to correct a violation?  
 Yes  No

Provide a short but detailed description of the proposed conditional use: **storage for RV, boats & personal household goods.**

### GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with department staff to review the application and determined that all necessary information has been provided. Only complete applications will be accepted. All information from the checklist below must be included. Note that additional application submittal requirements apply for particular uses or as may be required by the Zoning Administrator. Applicants for significant and/or potentially controversial conditional uses are strongly encouraged to meet with staff prior to submittal.

- Complete attached information sheet for standards
- Site Plan drawn to scale
- Detailed operational plan
- Written legal description of boundaries
- Detailed written statement of intent
- Application fee (non-refundable), payable to Dane County Treasurer

I certify by my signature that all information presented herein is true and correct to the best of my knowledge. I hereby give permission for staff of the Dane County Department of Planning and Development to enter my property for the purpose of collecting information to be used as part of the review of this application. I acknowledge that submittal of false or incorrect information may be grounds for denial of this application.

Owner/Agent Signature: *Steve Suter*

Date: **3-04-21**

## STANDARDS FOR CONDITIONAL USE PERMITS

Applicants must provide adequate evidence demonstrating to the Town and Dane County Zoning & Land Regulation Committee that the proposed conditional use satisfies the following 8 standards for approval, along with any additional standards specific to the applicable zoning district or particular use found in sections 10.220(1) and 10.10 of the code.

Please explain how the proposed land use will meet the following standards (attach additional pages, if necessary)

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare. *The maintenance & operation of storage units is very low impact to the public health, safety, comfort & general welfare. There is no noise or pollution from them. They will also be fenced & gated for safety.*
2. The uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use. *The storage units will not affect others in the area since they are not noisy or polluting anything since there are no emissions to worry about.*
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. *The storage units will improve the surrounding property uses by bringing new people to the area & seeing that there are other businesses on the property.*
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use. *There is already adequate utilities & storm water management done on the property when the Wis Best building was built. An existing access road will continue to the proposed storage units & proper drainage to existing storm manholes.*
5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. *Adequate ingress and egress has already been done on State Hwy 138 per DOT when Wis Best building was built to also handle any traffic storage units would produce.*
6. That the conditional use shall conform to all applicable regulations of the district in which it is located. *The conditional use will conform to all regulations of the district by getting all of the proper permits including: erosion control, stormwater management, zoning & building permits.*
7. The conditional use is consistent with the adopted town and county comprehensive plans. *The conditional use for storage units was listed in my zoning which is HC which was recently approved by Dane County zoning & town of Rutland in 2018 Amendment to Petition 11165.*
8. If the conditional use is located in a Farmland Preservation (FP) Zoning district, the conditional use is subject to the following additional standards found in section 10.220(1). Attach additional pages, if necessary. *N/A*

- Explain how the use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district.
- Explain how the use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations.
- Explain how the use is reasonably designed to minimize the conversion of land from agricultural use or open space use.
- Explain how the use does not substantially impact or limit the current or future agricultural use of surrounding parcels zoned for agricultural use.
- Explain how construction damage to and remaining in agricultural use is minimized and repaired, to the extent feasible.

## WRITTEN STATEMENT OF INTENT AND OPERATIONS PLAN

Applicants must provide a detailed written statement of intent describing the proposed conditional use along with an operational plan that explains how the conditional use will be operated. Please use the form below and provide responses, as applicable, to your proposed conditional use. Attach additional pages, if necessary.

Describe in detail the proposed conditional use. Provide the specific location of the use(s), type of equipment used, planned property improvements, including description / size of existing or proposed new buildings to be used, and any other relevant information. For existing or proposed commercial operations, provide the name of the business and describe the nature and type of business activity. **TO provide safe storage for RV, boats + personal house hold goods. The name of the business will be "WISCONSIN BEST STORAGE". There will be gated access requiring a pass code.**

List the proposed days and hours of operation. **M-F 9AM - 6PM SAT 10AM - 3PM**

List the number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.

**There will be a maximum of 2 Full time employees**

List any anticipated noise, odors, dust, soil runoff or pollution associated with the conditional use, along with any proposed measures that will be taken to mitigate impacts to neighboring properties. **Do not anticipate any impacts to neighboring properties**

Describe any materials proposed to be stored outside and any activities, processing or other operations taking place outside an enclosed building. **RV + Boating trailers parking outside on Asphalt paving which will also be screened from the public.**

For proposals involving construction of new facilities and/or infrastructure, describe, as applicable, any measures being taken to ensure compliance with county stormwater and erosion control standards under Chapter 11 of Chapter 14, Dane County Code. **All county, stormwater and erosion control standards will be followed + inspected by Dane County**

List and describe existing or proposed sanitary facilities, including adequate private onsite wastewater treatment systems, associated with the proposed conditional use. For uses involving domestic pets or livestock, list and describe measures taken to address manure storage or management.

**NO Sanitary Facilities.**

List and describe any existing or proposed facilities for managing and removal of trash, solid waste and recyclable materials.

**Waste management trash + recyclable containers will be provided as needed.**

Describe anticipated daily traffic, types and weights of vehicles, and any provisions, intervention or road improvements or other measures proposed to accommodate increased traffic.

**I don't anticipate more than 10 vehicles per day. The types of vehicles will be RVs, cars, pickup trucks with some pulling trailers. The 138 state Hwy Access has already been improved**

Provide a listing of any hazardous, toxic or explosive materials to be stored on site, and any spill containment, safety or pollution prevention measures. **Per DOT no hazardous, toxic or explosive materials will be allowed on site.**

Describe any existing or proposed outdoor lighting along with any measures that will be taken to mitigate light-pollution impacts to neighboring properties. The Zoning Administrator may require submission of a photometry plan for outdoor lighting if deemed necessary to determine potential impacts to neighbors.

**All outdoor fixtures will be down lit. Sky lighting requirements. The fixtures will comply with dark sky lighting requirements. The post for main drive shall entrance shall be no higher than 35ft**

Describe any existing or proposed signage, including size, location, and materials, consistent with the county's sign ordinance found in § 10.002. **To be determined but consistent with the county's sign ordinance**

Briefly describe the current use(s) of the property on which the conditional use is proposed. **currently vacant**

Briefly describe the current uses of surrounding properties in the neighborhood. **Wis Best a chess + board game Dist center + retail store, Rec concepts a pool construction co, Farm store which sells Agriculture seed + feed, crane service property.**















MENDOTA CONSULTING, LLC  
 Full Service Civil Engineering Design Specializing in:  
 SITE DESIGN | STORMWATER | PLUMBING | SOIL TESTING  
 eric@mendota-consulting.com - 608-618-3742

1	PRELIM SITE	12/28/20
2	FINAL LAYOUT	2/24/21

No.	Revision/Issue	Date
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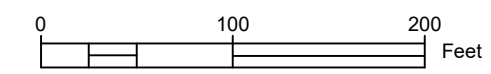
Project Name and Address  
 BOAT / RV STORAGE  
 STEVE SUTER  
 4645 STH WI 138  
 TOWN OF RUTLAND

Sheet Title.  
 SIGHT LINE OVERVIEW

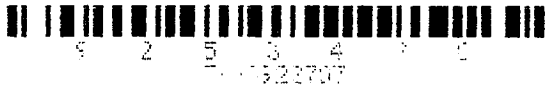
Project No.  
 20-030

Sheet No.  
 6 OF 7

GRAPHIC SCALE: 1" = 100'-0"







Document Number

**DECLARATION OF DEED RESTRICTION**

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
5393179  
03/05/2018 12:32 PM  
Trans Fee:  
Exempt #:  
Rec. Fee: 30.00  
Pages: 3

This Declaration of Deed Restriction (the "**Declaration**") is established this 1st day of March, 2018, by Bullsi, LLC, a Wisconsin limited liability company, hereinafter referred to as "**Declarant**".

WHEREAS, Declarant is the owner of approximately 19 acres of real property located in the Town of Rutland, Dane County, Wisconsin and more particularly described on Exhibit A (the "**Property**"); and

WHEREAS, Declarant desires to restrict the use of the Property as more particularly set forth below.

Drafted by and after recording return to:

Attorney Katherine R. Rist  
Foley & Lardner LLP  
150 E. Gilman Street  
Madison, WI 53703

052-0510-072-8120-0

Parcel Identification Number

**AGREEMENT**

**NOW THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby records this Declaration as follows:

1. Restricted Uses. The Property, or any portion of the Property, shall not be used to operate mini-warehouses, that are less than or equal to three hundred and fifty (350) square feet per unit, as storage units or storage unit complexes.
2. Applicability. The Property shall be held, transferred, sold, conveyed, leased and occupied subject to the Restriction set forth in this Declaration, which Declaration shall be recorded in the office of the Register of Deeds of Dane County. All provisions of this Declaration shall run with the Property and shall be binding upon Declarant and any subsequent interest holders in the Property.
3. Termination. Prior to March 1, 2038, this Declaration shall not be amended or terminated without the prior written consent of Eric O. Grover, an adult resident of the state of Wisconsin, or his heirs, successors or assigns. This Declaration shall terminate in its entirety on March 1, 2038.
4. Governing Law. This Declaration shall at all times be enforced in accordance with the laws of the State of Wisconsin.

[SIGNATURES ON FOLLOWING PAGE]

Executed on the date set forth above by Declarant.

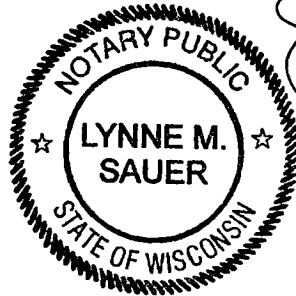
BULLSI, LLC

By: Eric O. Grover  
Eric O. Grover, Member

By: Joseph P. Eugster  
Joseph P. Eugster, Member

STATE OF WISCONSIN    )  
  ) ss.  
COUNTY OF DANE        )

Personally came before me this 1st day of March, 2018, the above named Eric O. Grover and Joseph P. Eugster, the sole members of Bullsi, LLC and the person(s) who executed the foregoing instrument and acknowledge that they executed the same on behalf of said company by its authority.



Lynne M. Sauer

\* Lynne M. Sauer  
Notary Public, Dane County, WI

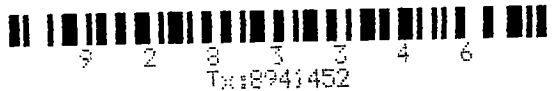
My commission (is)(expires):  
08-09-19

\* Print or type name.

Exhibit A

Legal Description of Property

Lot 2, Certified Survey Map 13808, recorded in Vol. 91 of Certified Survey Maps, page 208, as #5097667, in the Town of Rutland, Dane County, Wisconsin.



**DEED RESTRICTIONS**  
PETITION NO. 11165

**Use black ink & print legibly**

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
5410559  
05/21/2018 02:21 PM  
Trans Fee:  
Exempt #:  
Rec. Fee: 30.00  
Pages: 4

*Recording area*

**Name and return address:**

WICOMPANYII LLC  
c/o Tara M. Pearson  
P. O. Box 43  
Oregon, WI 53575

**WHEREAS, WICOMPANYII LLC**

is owner of the following described real estate in the  
Town of Rutland, Dane County, Wisconsin further  
described as follows:

**Parent Parcel Number(s):**  
0510-072-8120-0

**LEGAL DESCRIPTION:**

Lot 2 of Dane County CSM # 13808, being in part of the NW ¼ of the NW ¼ of Section 7, T5N, R10E, Town of  
Rutland, Dane County, Wisconsin.



**WHEREAS**, said owners desire to place certain restrictions and notice on the above-described real estate, to bind the owner(s) and those who may acquire title hereafter.

**WHEREAS**, the restrictions provided herein shall be enforceable at law or equity against any party who has or acquires any interest in the land subject to this restriction by the following who are named as Grantees and beneficiaries with enforcement rights:

- The County Government of Dane County, Wisconsin provided that the land is under the jurisdiction of said County at the time the enforcement action is commenced, and;
- The Town Government of the Town of Rutland, Dane County, provided that the land is within the jurisdiction of said Town at the time the enforcement is commenced, and;
- The owner(s) of record of any lands that are located within 300 feet of the subject property.

**THEREFORE**, The landowner shall abide by the following requirements for the development of the property:

ACCESS TO STATE HIGHWAY 138 - State Highway 138 is a controlled access highway. A State Highway Access Permit shall be required to be obtained for any new buildings or changes in land use which will cause any increase of traffic volume to the property. The State Highway Access Permit shall be obtained prior to the issuance of a zoning permit. A traffic impact study shall be prepared and approved by the State Highway Department to identify any necessary improvements that are needed for the safe access onto State Highway 138. The landowner shall be responsible for any and all costs for the improvements.

LAND USES - The following list of land uses shall be the only land uses permitted on the property: Offices, indoor sales, indoor entertainment, personal and professional services, indoor contractor/building trade operations, vehicle repair services, indoor storage, distribution centers, light industrial businesses, governmental uses, religious uses, institutional uses, and veterinarian clinics. Outside storage of materials or construction equipment may be permitted subject to site plan approval. Other land uses may be permitted through a conditional use permit: personal storage facilities (mini-warehouses), and outdoor entertainment.

OUTDOOR STORAGE AREAS - All areas that are used for the outdoor storage of materials or the storage of construction equipment/vehicles shall be screened from view with a minimum of six-foot barrier with 90% opacity. Site plan approval shall be obtained by the Town Board and County Zoning Committee for any outdoor storage areas prior to the storage of materials or equipment.

LIGHTING - All outdoor light fixtures shall be down-lit. The fixtures shall comply with dark sky lighting requirements. The posts for parking lot lighting shall be no higher than 25 feet. The posts used for main drive entrance shall be no higher than 35 feet.

**BUILDING EXTERIOR** - All buildings constructed on the property shall have a similar appearance using similar exterior materials and color palate. Any refuse containers shall be screened from view using similar materials used for the exterior of buildings.

**LANDSCAPING** - There shall be a minimum of (1) 2" caliper deciduous tree planted for every 3,000 square feet of building space constructed. The location of the trees shall be shown on a site plan prior to the issuance of a zoning permit.

**PARKING AND DRIVE AREAS** - All parking areas or areas used for vehicular movement shall be paved with asphalt surfacing.

**PROHIBITED SIGNS** - Off-premise advertising signs (billboards) shall be prohibited on the property. Temporary advertising signs shall be prohibited on the property.

**SIGNS** - All signs shall conform to the Dane County sign ordinance. There shall be one (1) on-premise pylon sign and one (1) on-premise ground sign for advertising all businesses on the property. The maximum sign allowance for wall signs shall be divided up equally amongst multiple tenants within a building, if applicable. All tenant wall signs shall have the same style as selected by the landowner.

[balance of page intentionally left blank]

The restrictions set forth herein may be amended or terminated in the following manner:

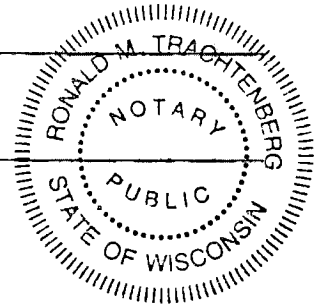
1. The owner(s) of the subject property may submit a written petition calling for the amendment or termination of the restrictions. Such petition must be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning and Land Regulation Committee (or successor committee), which shall then schedule and hold a public hearing on the petition.

The petition shall then be referred to the Town Government of the Town in which the subject property is located. The Zoning and Land Regulation Committee shall issue a written report on the petition to the County Board of Supervisors. The County Board shall, by majority vote, approve or reject the petition. Amendment or termination of the restrictions shall also require the approval of the Town Board.

2. Upon approval of the petition calling for an amendment or termination of the restrictions, the owner(s) of the subject property shall draft the amendatory covenant instrument. The owner(s) shall then execute and record the amendatory covenant with the Dane County Register of Deeds.
3. A rezoning of the subject property to a different zoning district shall also act to terminate the restrictions set forth herein.

MAY 18, 2018  
 Date  
 WICOMPANYII LLC  
 By: Tara M. Pearson  
 Signature of Grantor (owner)  
 Tara M. Pearson, Authorized Member  
 \*Name printed

\_\_\_\_\_  
 Date  
 \_\_\_\_\_  
 Signature of Grantor (owner)  
 \_\_\_\_\_  
 \*Name printed



This document was drafted by:  
(print or type name below)

Dane County  
Planning and Development Department

STATE OF WISCONSIN, County of Dane

Subscribed and sworn to before me on 5/18/18 by the above named person(s).

Signature of notary or other person authorized to administer an oath (as per s. 706.06, 706.07) Ronald M. Trachtenberg

Print or type name: Ronald M Trachtenberg

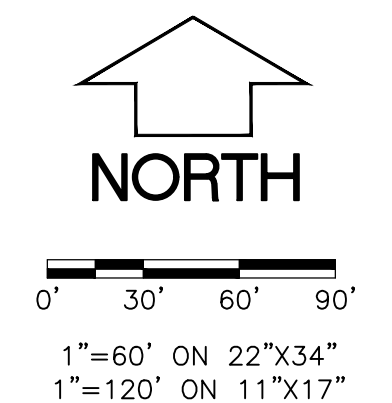
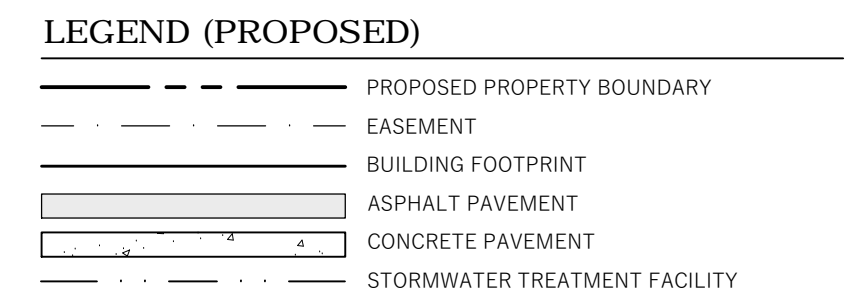
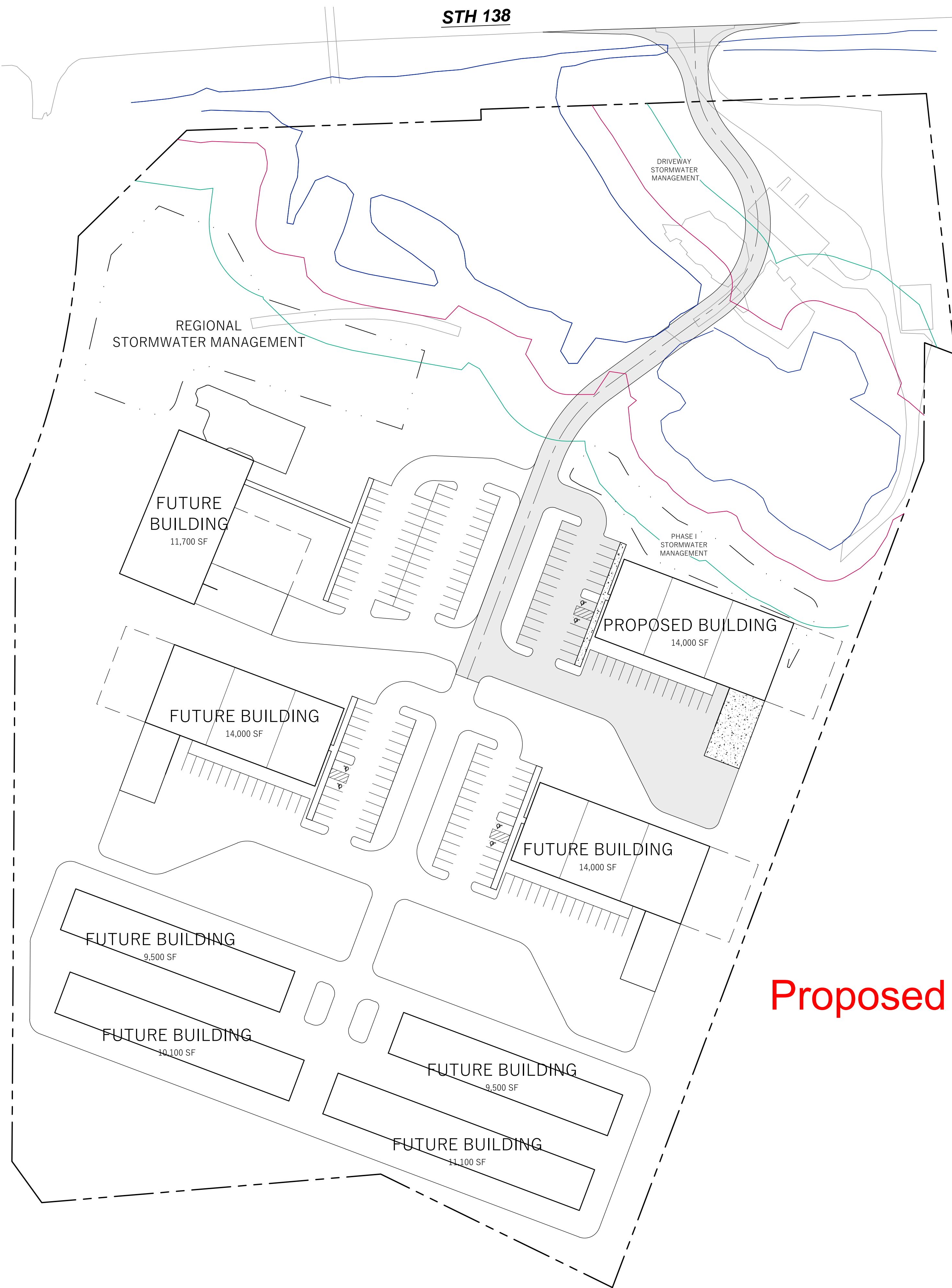
Title Notary Date commission expires: permanant

\*Names of persons signing in any capacity must be typed or printed below their signature.  
P&D form 2/20/2001

File: W:\2017\170480\_MPPF - Wisconsin's Best\DWG\17-0480\_Civil\_Design.dwg Layout: Site Plan (overall) User: Admin Plotted: Jan 08, 2018 - 2:57pm

USH 14

STH 138



- GENERAL NOTES**
1. UNDERLYING SITE CONTOURS AND INFORMATION BASED ON TOPOGRAPHIC & UTILITY DATA AS PROVIDED TO WYSER ENGINEERING. WYSER ENGINEERING SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY ARISE AS A RESULT OF ERRONEOUS OR INCOMPLETE INFORMATION PROVIDED BY OTHERS. CONTRACTOR TO CONFIRM ALL ELEVATIONS, GENERAL DRAINAGE AND EARTHWORK REQUIREMENTS PRIOR TO CONSTRUCTION.
  2. THE BENCHMARK LOCATIONS ARE SHOWN FOR REFERENCE ONLY ON THIS PLAN. THE BENCHMARKS SHALL BE VALIDATED BY LICENSED LAND SURVEYOR PRIOR TO CONSTRUCTION. CONTRACTOR ASSUMES RISK ASSOCIATED WITH BENCHMARK ELEVATIONS UNTIL CONFIRMED.
  3. CONTRACTOR TO OBTAIN APPROPRIATE PERMITS FOR STREET OPENINGS & TO WORK WITHIN THE TOWN'S LAND IF REQUIRED.
  4. WYSER ENGINEERING SHALL BE HELD HARMLESS AND DOES NOT WARRANT ANY DEVIATIONS BY THE OWNER OR CONTRACTOR FROM THE APPROVED CONSTRUCTION PLANS THAT MAY RESULT IN DISCIPLINARY ACTIONS BY REGULATORY AGENCIES.
  5. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS WITHIN THE PLAN BECOME APPARENT, IT SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
  6. ALL MUNICIPAL UTILITY CONNECTIONS, WORK IN ROW, PUBLIC OUTLOTS AND PUBLIC EASEMENTS SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS.

**Proposed Plan Per Rezoning 11165**

**WYSER ENGINEERING**

BULLSI, LLC

TOWN OF RUTLAND DEVELOPMENT

TOWN OF RUTLAND, DANE COUNTY, WI

4645 STH 138  
OREGON, WI 53575

Sheet Title:  
CONCEPT SITE PLAN - OVERALL

Revisions:

No.	Date:	Description:

Graphic Scale	0' 5' 10' 20' 30'
Wyser Number	17-0480
Set Type	PERMIT
Date Issued	01/09/2018
Sheet Number	C100

**DIGGERS HOTLINE**  
Toll Free (800) 242-8511 -or- 811  
Hearing Impaired TDD (800) 542-2289  
www.DiggersHotline.com