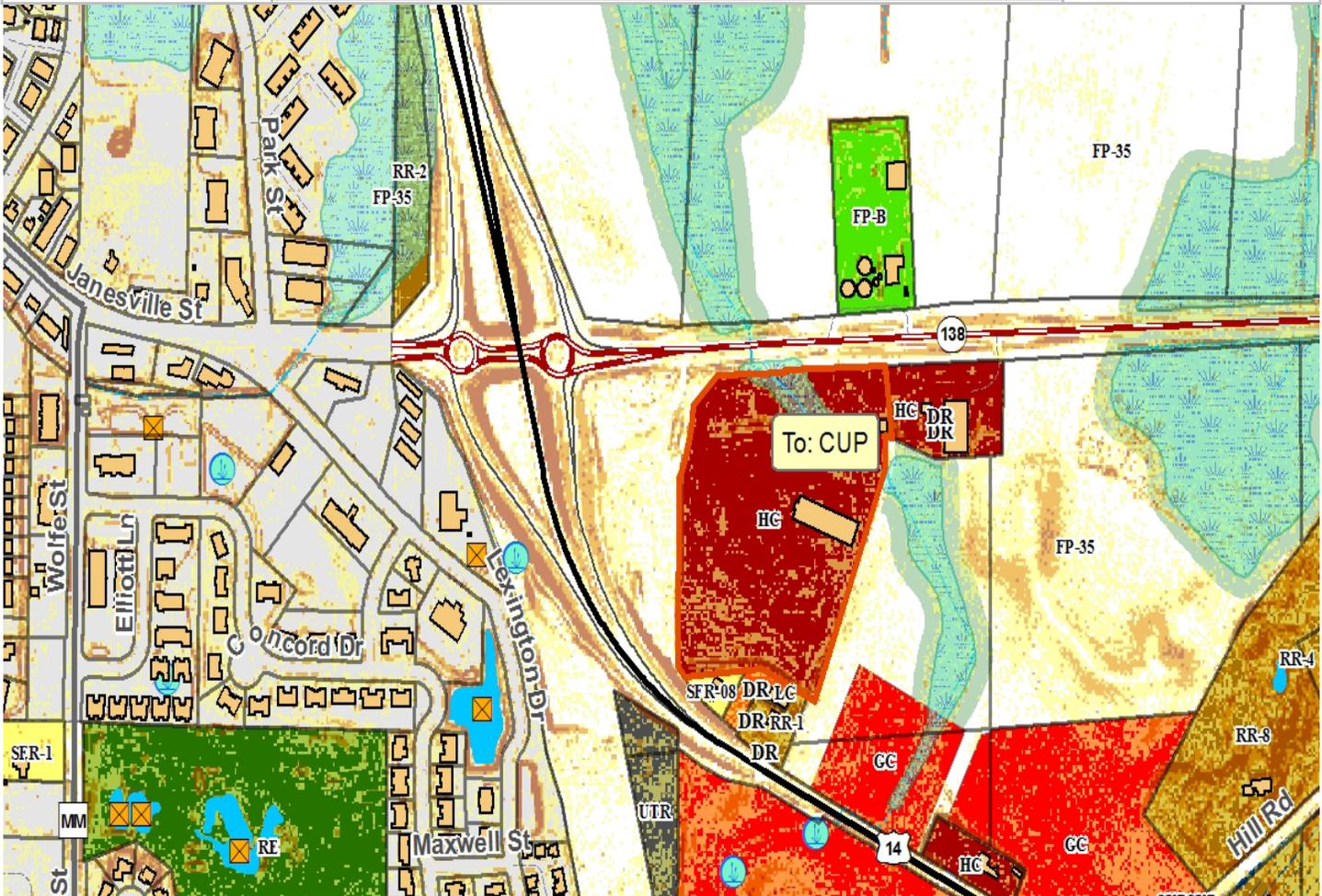


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> May 25, 2021	CUP 02518	
	<i>Zoning Amendment Requested:</i> TO CUP: Allow for the construction of a personal storage facility (mini-warehouses) in accordance with current deed restrictions on property	<i>Town/Section:</i> RUTLAND, Section 7	
	<i>Size:</i> 18 Acres	<i>Survey Required:</i> No	<i>Applicant:</i> WICOMPANYII LLC
	<i>Reason for the request:</i> Allow for the construction of a personal storage facility (mini-warehouses) in accordance with current deed restrictions on property		<i>Address:</i> 4645 STATE HWY 138



DESCRIPTION: Applicants own the ~18 acre HC (Heavy Commercial) zoned parcel at 4645 State Highway 138 which is the site of *Best of Wisconsin*, a retail and distribution business specializing in Wisconsin cheese and sausage products. Commercial zoning was conditionally approved for the property in 2018 under [petition #11165](#). The 2018 proposal included future development of personal storage facilities (mini-warehouses) on the property. The 2018 zoning approval required a deed restriction that limited the range of commercial uses on the property and also addressed access, outdoor storage, lighting, building exterior design, landscaping, parking / drive areas, and signage. The restrictions also required obtaining a Conditional Use Permit for the planned mini-warehouses. Applicants are now requesting approval for mini-warehouses under CUP 2518. Related petition 11690 seeks to amend the existing deed restrictions to also allow outdoor parking / storage of boats and recreational vehicles.

The proposed mini-warehouses and outdoor storage area would be located on the southerly portion of the property within a fenced area with security gate. Privacy fencing / screening is proposed along the southern and western property boundaries. Four mini-warehouse buildings totaling 32,000 sqft and containing a total of 80 storage units are proposed.

Hours of operation would be Monday-Friday 9am-6pm, and Saturdays 10am-3pm. There would be a maximum of 2 full time employees associated with the mini-warehousing operation.

OBSERVATIONS/ FACTUAL INFORMATION: Current use of the property is commercial (retail/ distribution). Neighboring land uses are commercial, agri-business, residential, and open space/highway right of way (US 14/138). There is an intermittent stream which bisects the northeast portion of the property. Wetlands are present along this intermittent stream. Shoreland regulations apply to any development within 300 feet of the intermittent stream. The property is not designated as a flood hazard area. The NE & SW corners of the property contain Class 2 soils. The property is located within the village of Oregon's urban service area, though there are no plans to extend public water or sanitary sewer service to the property.

The property adjoins northbound US 14 to the west, State Highway 138 to the north, and private property to the east (ag/open space) and south (limited commercial/single family residential).

TOWN PLAN: The property is in a designated Commercial area on the town's future land use map.

RESOURCE PROTECTION: There is an area of resource protection corridor associated with the intermittent stream and wetlands on the property.

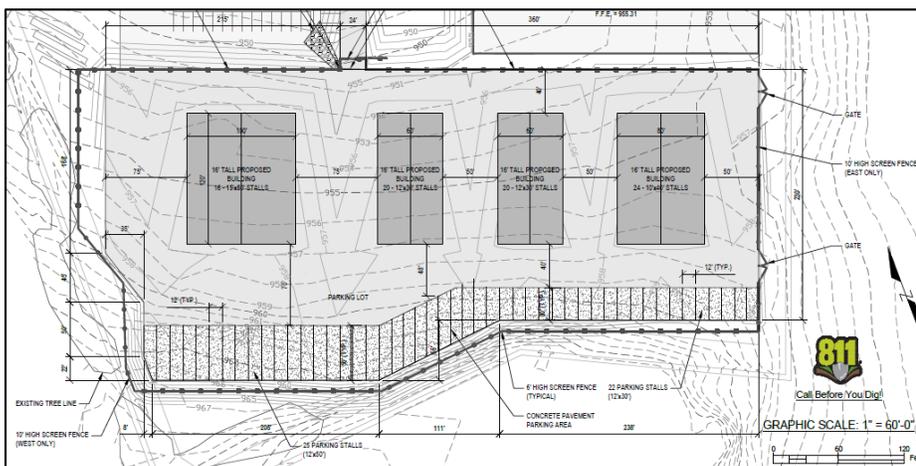
STAFF: The existing deed restrictions on the property limit the range of commercial uses and were required as part of the conditional approval of previous [petition #11165](#), which established commercial zoning on the 18 acres in 2018. The existing deed restrictions limit the types of commercial uses allowed on the property and include the following stipulation regarding mini-warehouses: "...Other land uses may be permitted through a conditional use permit: personal storage facilities (mini- warehouses)..."

Access and stormwater management concerns were also addressed as part of the 2018 approval. DOT has provided a letter indicating that the initial access approval from 2018 was based on a traffic study that included the mini-warehouses. Staff's understanding is that the 2018 access improvements should be sufficient to handle anticipated increase in traffic. Regarding stormwater, the applicant has obtained a preliminary review letter from Dane County Land & Water Resources indicating that the existing stormwater detention basin in the NW portion of the property was designed to accommodate the anticipated future buildout of the site.

As noted above, the existing deed restrictions address a number of issues and concerns raised by both the town of Rutland and village of Oregon regarding development of the property given the property's location near the intersection of two major highways and entryway to the village. In addition to allowable uses and highway access, these include building exterior, lighting, landscaping, and signage. For building exterior design, the restrictions state the following:

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.

The site plan submitted with the application depicts 4 personal storage buildings each 16' in height.



However, the application materials did not include building elevation drawings nor any detail regarding the building exterior. Similarly, no lighting or landscaping plans have been submitted at this time, although a statement on the application indicates that all lighting will be down-lit as required by the deed restrictions. The applicant has indicated their intent to provide such detailed materials following approval of the petition.

Due to another existing deed restriction on the property imposed by the previous owner, the mini-warehouse units are proposed to be 350 sqft or greater in size. This requirement appears to have been designed to prevent the storage facility from directly competing with the prior owner's existing mini-warehousing operation located about 5 miles away.

A letter submitted by village of Oregon states that the village plan commission and board will be considering the proposal at meetings scheduled on May 4 and May 17. Upon receipt of any additional communication from the village regarding this petition, staff will post the information to [legistar](#).

Town of Rutland action on the proposal is not anticipated in advance of the May 25th ZLR public hearing. Staff recommends that the petition be postponed at the hearing to allow time for the town to consider and take action on the proposal.

STAFF UPDATE (7/8/21): The petition was postponed at the ZLR public hearing on May 25, 2021 due to no town action. The applicant provided some additional information regarding the design and heights of the proposed storage unit buildings. It appears from the submitted information that 2 of the proposed buildings would be 11'4" in height (20 and 24 stalls), and one would be 16' in height (16 stalls). Note that the site plan drawings and 3-Dimensional renderings show 4 buildings.

As noted above, the deed restrictions on the property require that, "All buildings constructed on the property shall have a similar appearance using similar exterior materials and color palate."

The submitted renderings show the buildings having a forest green color on the storage unit doors and roofs. The forest green color is similar to the color of the walls on the existing building on the property.



3-D rendering of proposed mini-warehouse units



Existing WI Company building

VILLAGE OF OREGON UPDATE: The Village of Oregon has not provided any written position on the proposal following its plan commission and board meetings in May of 2021.

STAFF RECOMMENDATIONS: Staff recommends that the CUP be approved, subject to the following conditions:

1. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan, phasing plan, and recorded deed restrictions.
2. 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.
3. 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.
4. 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.
5. 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.
6. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.

7. Off-street parking must be provided, consistent with s. 10.102(8).
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

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

TOWN: Approved with the applicable standard conditions of approval found in section 10.101(7)(d)2a (listed above in staff recommendation).