Dane County Rezone & Conditional Use Permit

Application Date	Petition Number
07/15/2019	DCPREZ-2019-11473
Public Hearing Date	C.U.P. Number
09/24/2019	100000000000000000000000000000000000000

OWNER INFORMATION				AGENT INFORMATION				
OWNER NAME KJELLAND FAMILY				AGENT NAME □ PHONE (with Are Code)			PHONE (with Area Code)	
BILLING ADDRESS (Number & Street) 7692 RIVERSIDE RD			ADDRESS (Number & Street)					
(City, State, Zip) VERONA, WI 53593			(City, State, Zip)					
E-MAIL ADDRESS RECCONINC@YMAIL.COM				E-MAIL ADDRESS				
ADDRESS/L	OCA	TION 1	AL	DRESS/L	OCA	TION 2	ADDRESS/L	OCATION 3
ADDRESS OR LOCATI	ON OF	REZONE/CUP	ADDRESS	OR LOCAT	ION OF	REZONE/CUP	ADDRESS OR LOCATI	ON OF REZONE/CUP
4633 STATE HIGHV	VAY 1	38						"
TOWNSHIP RUTLAND		SECTION T	OWNSHIP	8		SECTION	TOWNSHIP	SECTION
PARCEL NUMBE	RS IN	VOLVED	PAR	CEL NUMB	ERS IN	VOLVED	PARCEL NUMBI	ERS INVOLVED
0510-072	-8010)-0				*		
REA	NOS	FOR REZONE					CUP DESCRIPTION	
REMOVAL OF CUR COMMERCIAL DIS			RICTIONS	FROM				
						in the state of th		
FROM DISTRICT:		TO DISTRI		ACRES		ANE COUNTY CO	DDE OF ORDINANCE SE	CTION ACRES
HC (Heavy Commer District)		HC (Heavy Cor District)	nmercial	3.452				
C.S.M REQUIRED?	PLA	AT REQUIRED?		STRICTION UIRED?		INSPECTOR'S INITIALS	SIGNATURE;(Owner	or Agent)
Yes No	7,000	Yes 🗹 No	Yes Applicant Init	☐ No	_	PMK2	PRINT NAME:	
COMMENTS: REMO COMMERCIAL DIST			DEED R	ESTRICT	IONS	FROM	DATE:	STELLAND
							7-16-	19

Form Version 03.00.03





Zoning Change Application

Zoning Division
Room 116, City-County Building
210 Martin Luther King Jr. Blvd.
Madison, Wisconsin 53703-3342

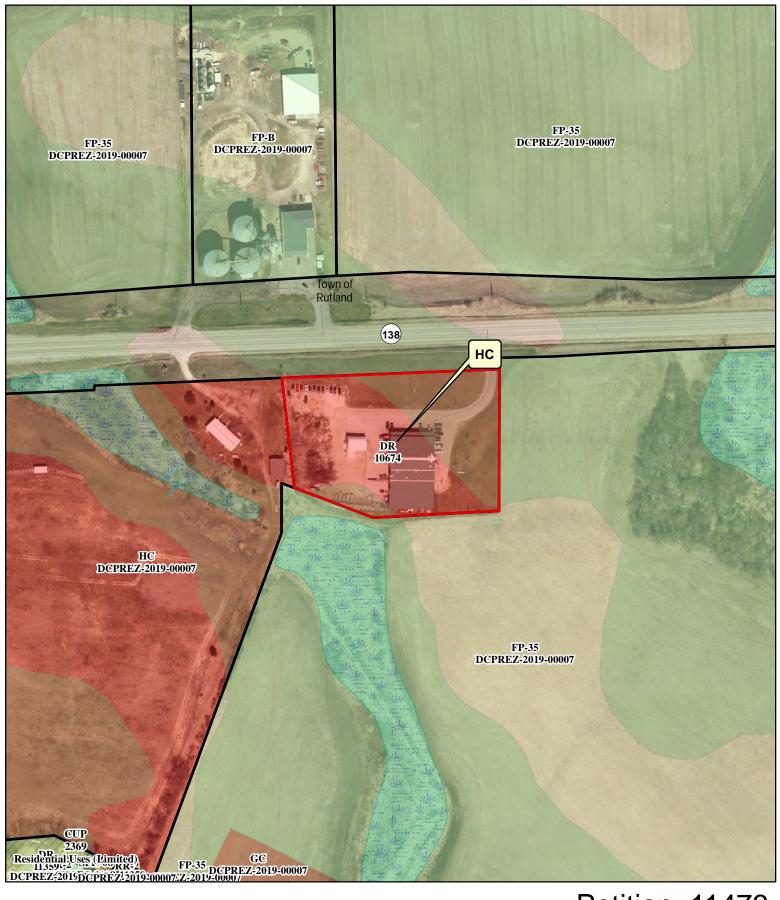
Phone: (608) 266-4266 Fax: (608) 267-1540

Items that must be submitted with your application:

Written Legal Description of the proposed Zoning Boundaries
 Legal description of the land that is proposed to be changed. The description may be a lot in a plat,
 Certified Survey Map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.

Scaled Drawing of the location of the proposed Zoning Boundaries
 The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

Owner's Name Jeffrey Kjelland	Agent's Name
Address 4633 State Road 138 Oregon, WI 535/5	Address
Phone 608-835-2780	- Phone
Email recconinc@ymail.com	Email
Town: Rutland Parcel numbers affected:	052/0510-072-8010-0
170 (35)	tion: 4633 State Road 138 Oregon, WI 53575
Zoning District change: (To / From / # of acres) HC-No C	hange/3.452
Soil classifications of area (percentages) Class I soils	s:% Class II soils:% Other: %
Narrative: (reason for change, intended land use, size of fa O Separation of buildings from farmland O Creation of a residential lot O Compliance for existing structures and/or land uses O Other: Would like to get old restrictions removed	
location.	SECEIVE
	1 2 2019
· · · · · · · · · · · · · · · · · · ·	JUL
	THE RAINING & DE
I authorize that I am the owner or have permission to act on behalf of the Submitted By:	e owner of the property. DANIE COUNTY PLANNING & DEVELOPMENT DANIE COUNTY PLANNING & DEVELOPMENT DANIE COUNTY PLANNING & DEVELOPMENT DANIE COUNTY PLANNING & DEVELOPMENT



Legend

Wetland > 2 Acres Significant Soils

Wetland Class 1
Floodplain Class 2



0 75 150

300 Feet

Petition 11473 KJELLAND FAMILY LLC

Parcel Number - 052/0510-072-8010-0

Current

< Parcel Parents

Summary Report

Parcel Detail	11	Less —			
Municipality Name	TOWN OF RUTLAND				
State Municipality Code	052				
Township & Range	Section Quarter/Quarter & Quarter				
T05NR10E	07 NE of the NW				
Plat Name	CSM 13808				
Block/Building					
Lot/Unit	1 ,				
Plat Name	CSM 13808 (Click link above to access images for Plat)				
Parcel Description	LOT 1 CSM 13808 CS91/208&211-9/12/2014 F/K/A LOT 1 CSM 8936 CS50/26&27-6/4/98 & F/K/A LOT 1 CSM 5559 CS25/221-6/15/88 DESCR AS SEC 7-5-10 PRT NE1/4NW1/4 & PRT NW1/4NE1/4 SUBJ TO HWY ESMT IN DOC #2978088 (3.452 ACRES) This property description is for tax purposes. It may be abbreviated. For the complete legal description please refer to the deed.				
Current Owner	KJELLAND FAMILY LLC				
Current Co-Owner	4633 HWY 138 LLC				
Primary Address	4633 STATE HIGHWAY 138				
Billing Address	7692 RIVERSIDE RD VERONA WI 53593				

Assessment Summary	More -			
Assessment Year	2019			
Valuation Classification	G2			
Assessment Acres	3.452			
Land Value	\$154,400.00			
Improved Value	\$528,200.00			
Total Value	\$682,600.00			

Show Valuation Breakout

Open Book

Open Book dates have passed for the year

Starts: -06/19/2019 - 05:00 PM Ends: -06/19/2019 - 07:00 PM

About Open Book

Board Of Review

Board of Review dates have passed for the year

Starts: -06/26/2019 - 06:00 PM Ends: -06/26/2019 - 08:00 PM

About Board Of Review

Show Assessment Contact Information >

Zoning Information

For the most current and complete zoning information, contact the Division of Zoning.

Zoning

HC DCPREZ-2019-00007

NOTICE: Some portion of this parcel either contains or is in close proximity to sensitive environmental features (i.e. shorelands, floodplains, or wetlands), and Dane County regulations may apply. Please contact the Dane County Zoning Division at (608) 266-4266 for additional permitting information.

Zoning District Fact Sheets

10+ 1 CSM 13808

Certified Survey Map

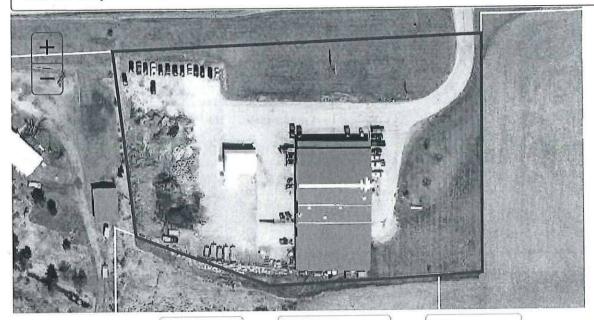
Owner's Certificate As owners, We hereby certify that we have caused the land described on this certified survey to be surveyed, divided, and mapped as represented on this certified survey map. We also certify that this certified survey map is required by s. 236.10 or s. 236.12, or s75.17 (1) (a) Dane County Code of Ordinances to be submitted to the Dane County Zoning and Land Regulation Committee, and the Village of Oregon for approval. BULLSI LLC by: Eric Grover, member STATE OF WISCONSIN) COUNTY OF DANE)ss. Personally persone before me this 10 day of Syptember 2014, the above named owner to me known to be the person who executed the foregoing instrument and acknowledged the same. Notan Public, Dane County Wisconsin nmission expires _ 4 Consent of Mortgage Holder As mortgage holder of the hereon described land, UNION BANK and TRUST does hereby consent to the above certificate by Bullsi LLC, owner. WITNESS the hand and seal of Union Bank and Trust. Wisconsin, has caused these presents to be executed by and (name) Stephen T and the Corporate Seal of said Corporation to be affixed (name) (name) (title) (title) STATE OF WISCONSIN) COUNTY OF DANE)ss. Personally came before me this 10 day of 2014, the above named officers to me known to be the persons who executed the foregoing instrument and acknowledged the same. TI L. BUSS L BUSSARD Public, Dane County, Wisconsin MITZI NOTARY DAYID C. RIESOP PUBLIC OF WIS

Wisconsin Mapping, LLC

* surveying and mapping services 306 West Quarry Street, Deerfield, Wisconsin 53531 (608) 764-5602

Dwg. No.	4505-14		Date	6/18/2014
Sheet 3	of	4		
Document	No. 509	976	7	
C. S. M. 1	10.13808	}	V. 9	P. 210

Parcel Maps



DCiMap

Google Map

Bing Map

Tax Summary (2018)

More +

E-Statement

E-Bill

E-Receipt

Assessed Land Value	Assessed Improvement Value	Total Assessed Value	
\$154,400.00	\$528,200.00	\$682,600.00	
Taxes:		\$12,431.19	
Lottery Credit(-):		\$0.00	
First Dollar Credit(-):	\$79.68		
Specials(+):		\$8.67	
Amount:	3	\$12,360.18	

District Information				
Туре	State Code	Description		
REGULAR SCHOOL	4144	OREGON SCHOOL DIST		
TECHNICAL COLLEGE	0400	MADISON TECH COLLEGE		
OTHER DISTRICT	26OR	EMS OREGON		
OTHER DISTRICT	26OR	OREGON FIRE		
DRAINAGE DISTRICT	DDBF	BADFISH DRAINAGE DISTRICT		

				
Doc. Type	Date Recorded	Doc. Number	Volume	Page
WD	05/15/2019	5487961		

Show More >

DocLink

DocLink is a feature that connects this property to recorded documents. If you'd like to use DocLink, all you need to do is select a link in this section. There is a fee that will require either a credit card or user account. Click here for instructions.

By Parcel Number: 0510-072-8010-0

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210 Martin Luther King Jr. Blvd
City-County Bldg. Room 116
Madison, WI 53703



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Klinkner, Patrick

From:

Hilbert, Hans

Sent:

Wednesday, May 8, 2019 12:32 PM

To:

Lane, Roger; Klinkner, Patrick

Subject:

051007280100 4633 State Highway 138

Attachments:

8350.pdf

A potential buyer, representing Recreational Concepts, stopped in today to discuss the property at 4633 State Highway 138 which is zoned HC with deed restrictions. The most recently amended deed restrictions are attached.

The potential buyer wants to retail swimming pool equipment and was wondering if this would be permitted as a form of "landscaping" as permitted within the deed restrictions.

My answer was that it was a stretch and I provided him with a rezone application and described the process of modifying the restrictions. He then informed me that he was closing on the property next Monday and was wondering if he would be in violation if he moved his business there. I explained that since he already talked to the town and got good feedback from them, as long as he commenced the rezone process to modify the restrictions that we wouldn't take any enforcement action. I also stated that we wouldn't issue any zoning permits until such a time that the restrictions were changed.

Please let me know if you have any questions,

Hans

EFFECTIVE: SEP. 12, 2014

Dane County Board of Supervisors Amending Chapter 10 of the Dane County Code of Ordinances Zoning Map Amendment Petition 10674

Dane County Board of Supervisors does ordain as follows:

The Zoning Districts Maps as referenced under Dane County Code of Ordinance Section 10.03 shall be amended as follows:

Town Map: Town of Rutland

Location: Section 7

Zoning District Boundary Changes

C-2 to C-2

Lot 1 of Certified Survey Map #8936, Section 7, T5N, R10E, Town of Rutland, Dane County, Wisconsin except a 3,489 square foot section in the northwest corner.

C-2 to RE-1

Lot 1 of Certified Survey Map #5559, Section 7, T5N, R10E, Town of Rutland, Dane County, Wisconsin and a 3,489 square foot section in the northeast corner.

CONDITIONAL ZONING

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

DEED RESTRICTION REQUIRED

This amendment will be effective if within 90 days of its adoption by Dane County the owner or owners of the land record the following restriction(s) on said land:

1. The deed restrictions on the property shall be amended to permit the following specified land uses: Sales, rental and leasing, repair and service of new and used agricultural and landscaping implements and equipment; Sales, rental and leasing, repair and service of new and used lawn and garden equipment; Sales, rental and leasing, repair and service of new and used contractor's machinery, equipment and vehicles used in the operation of the business; Sales, rental and leasing, repair and service of new and used recreational equipment; Rental and leasing of new and used items not listed above; Related sales of incidental related items, and sales of agricultural and dairy products not produced on the premises and incidental sales of pop and candy; Storage and repair of equipment and materials related to a

Page 2, Pet. No. 10674

landscaping business including but not limited to lawn care, snow removal, landscape contracting and sifting and re chopping of landscape materials; Retail of landscaping, lawn care, snow removal and landscape maintenance and design materials including nursery plants; Property landscape improvements and outdoor display to include but not limited to decorative rock and pavers, plantings, fencing and water features.

- 2. All outdoor equipment storage areas and outdoor material storage areas shall be screened from view at street level.
- 3. All outdoor lighting shall be downward shining.
- 4. There will be a recorded 33 foot wide easement in favor of the Town along the entire east side of the parcel for a possible future road.
- 5. The owner of the parcel will be responsible for a share of the cost of construction of a road on the easement if and when a road is developed. This share would be based on the front footage of each parcel.
- Access to that future road shall replace the driveway to the property on State highway 138.

Said restriction(s) shall run in favor of Dane County and the pertinent Town Board(s) as well as the owners of land within 300 feet of the site. Failure to record the restriction(s) will cause the rezone to be null and void. A copy of the recorded document shall be submitted to Dane County Zoning.

CERTIFIED SURVEY REQUIRED

The above listed description/s is/are intended to describe land for which a certified survey map will be prepared for approval and recorded. Within 90 days of rezoning approval by Dane County, a *final* certified survey map that describes the land to be rezoned shall be prepared in accordance with all applicable provisions of Chapter 236 Wisconsin Statutes and Chapter 75 Dane County Code of Ordinances, and submitted to the Dane County Zoning Division. Upon submission of the final certified survey map, the Zoning and Land Regulation Committee, or its authorized representative, shall, within 30 days, approve, approve conditionally, or reject the certified survey map. Failure to submit the final certified survey within the 90 day period <u>and/or</u> failure to record the survey with the Dane County Register of Deeds will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.

DEED RESTRICTION

Document Number

Document Title

DANE COUNTY REGISTER OF DEEDS

Doc No 2978090

1998-06-04 Trans. Fee Rec. Fee Pages 07:58 PM 0.00 18.00 5 **EXHIBIT A**

6.12778

Recording Area

Name and Return Address

JACKSON & GLASS LAW FIRM, S.C. 213 North Iowa Street Dodgeville, WI 53533

26-0510-072-8001-6 & 26-0510-071-8500-3 Parcel Identification Number (PIN)

This information must be completed by submines: document title, name & renum address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee, Wisconsin Statutes, \$9,517. WRDA 2750

DEED RESTRICTION PAGE 1

RETURN TO:

Attorney Robert J. Jackson

JACKSON & GLASS LAW FIRM, S.C.

213 North Iowa Street Dodgeville, WI 53533

PIN:

26-0510-071-8500-3; 26-0510-072-8001-6

RESTRICTIONS

I. WHEREAS, Thomas Mueller, is the owner of the following described land in the Town of Rutland, Dane County, Wisconsin, to-wit:

A parcel of land located in the Northeast 1/4 of the Northwest 1/4 and Northwest 1/4 of the Northeast 1/4 of Section 7, Township 5 North, Range 10 East, Town of Rutland, Dane County, Wisconsin, more fully described as follows: Commencing at the Northwest corner of said Section 7; thence N86°44′13″E, 2099.15 feet along the North line of the Northwest 1/4 of said Section 7; thence South 69.47 feet to the Northeast corner of Certified Survey Map 5559, recorded in Volume 25 of Certified Survey Maps, page 221, and the point of beginning; thence continuing South, 240.01 feet along the East line of said CSM; thence S69°27′39″E, 225.52 feet; thence N86°44′13″E, 288.47 feet; thence North 323.48 feet to the South right-of-way line of S.T.H. 138; thence S87°37′05″W, 499.62 feet along said South right-of-way line to the point of beginning.

- <u>II.</u> WHEREAS, said owner desires to place certain restrictions thereon, to bind the owner and those who may acquire title hereafter.
- III. NOW, THEREFORE, in consideration of the mutual benefits passing to and from the owner and those who may hereafter purchase said land and the parties named as beneficiaries of these restrictions, the following restrictions are hereby imposed requiring that the real estate described herein may only be used for the following purposes:
 - Sales, rental and leasing, repair and service of new and used agricultural implements and equipment.
 - Sales, rental and leasing, repair and service of new and used lawn and garden equipment.

DEED RESTRICTION PAGE 2

- Sales, rental and leasing, repair (including major repairs) and service of new and used motor vehicles (not including cars and trucks).
- Sales, rental and leasing, repair and service of new and used contractor's machinery and equipment.
- 5. Sales, rental and leasing, repair and service of new and used recreational equipment.
- 6. Rental and leasing of new and used items not listed above.
- Related sales of incidental related items, and sales of agricultural and dairy products not produced on the premises and incidental sales of pop and candy.
- 8. There will be a recorded 33 foot wide easement in favor of the Town along the entire East side of the parcel for a possible future road.
- 9. the owner of the parcel will be responsible for a share of the cost of the construction of a road on the easement if and when a road is developed. This share would be based on the front footage of each parcel.
- Access to that future road shall replace the driveway to the property on State Highway 138.
- <u>IV.</u> The restrictions provided for herein shall be enforceable at law or equity against any party who has or acquires an interest in the land subject to the restriction by the following parties who are named as grantees, promisees and beneficiaries with enforcement rights:
- (a) the County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of zoning ordinance of said County at the time the enforcement action is commenced; and
- (b) The Town Government of the Town Rutland, Dane County, Wisconsin provided that the lands are within the governmental jurisdiction of said Town at the time the enforcement action is commenced.
- (c) The owner(s) of record of any land/s which are located within 300 feet of the subject site.
- <u>V.</u> The restrictions set forth in paragraph 3 above may be amended in the following manner:
- (a) A written petition calling for the amendment of the restrictions may be made by the persons who are, at the time of the petition, owner/s of the lands subject to the restriction. Such petition shall be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning & Natural Resources Committee (or successor committee) which committee shall schedule and hold a public hearing on the petition in the same manner as public hearings for zoning amendment petitions are noticed and scheduled.

Following such hearing, the committee shall issue a written report on the petition to the County Board of Supervisors which shall, by majority vote, approve or reject the petition. If approved, the petitioner/s shall draft the amendatory covenant instrument, have same executed by the owner/s of the lands subject to the restrictions and record same.

- (b) Such amendment shall also require approval of the Town Board.
- <u>VI.</u> The restrictions set forth in Paragraph 3 above may be terminated in the following manner:
- (a) Termination may be accomplished through County Board approval of a petition for termination of the restrictions. The procedures for introducing and processing the petition shall be as provided in Paragraph 5(a) hereof, except that the petition shall call for termination rather than amendment of the restrictions and the instrument which is records shall be an instrument of termination. Such termination shall also require approval of the Town Board.
- A rezone of the property to a different zoning district shall also act to repeal the covenant controls,

IN WITNESS	WHEREOF,	the said grant	or has he	reunder set l	nis seal this	29 day
of May, 1998.			11			
7			1)		11	

THOMAS MUELLER

Signed and Sealed in the Presence of:

111

DEED RESTRICTION PAGE 4

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE
)

Personally came before me this 29 day of May, 1998, the above-named known to be the person who executed the foregoing instrument, and acknowledged the same.

Notary Public, State of Wisconsin
My Commission: Is PERMANENT

Lot One (1) of Certified Survey of Certified Survey Map No. 13808 recorded in Volume 91 of Certified Survey Maps, page 208, as Document No. 5097667 on September 12, 2014, being part of Lot One (1) of Certified Survey Map No. 8936 recorded in Volume 50 of Certified Survey Maps, page 26, as Document No. 2978086 on June 4, 1998 located in the Northeast Quarter (N.E.1/4) of the Northwest Quarter (N.W.1/4) and the Northwest Quarter (N.W.1/4) of the Northeast Quarter (N.E.1/4) of Section Seven (7), Town Five (5) North, Range Ten (10) East, Town of Rutland, Dane County, Wisconsin.

MADISON MADISON 210 MARTIN LUTHER KING, JR. BLVD CITY TREASURER OFFICE

Application: DCPREZ-2019-11473

Application Type: DaneCounty/Zoning/Rezone/NA

Address: 4633 STATE HIGHWAY 138, TOWN OF RUTLAND, WI 99999

Receipt No.

923016

Payment Method

Ref Number **Amount Paid**

Payment Date

Cashier ID

Received

Comments

Check

19119

\$395.00

07/15/2019

PMK2

Owner Info.:

KJELLAND FAMILY LLC

7692 RIVERSIDE RD VERONA, WI 53593

Work Description: REMOVAL OF DEED RESTRICTIONS FROM COMMERCIAL DISTRICT.

L&S INVESTMENTS STE A 2730 ROZZELLES FERRY RD CHARLOTTE, NC 28208

KJELLAND FAMILY LLC 7692 RIVERSIDE RD VERONA, WI 53593

L&S INVESTMENTS STE A 2730 ROZZELLES FERRY RD CHARLOTTE, NC 28208

WICOMPANYII LLC 343 LAKE KEGONSA RD OREGON, WI 53575

L&S INVESTMENTS STE A 2730 ROZZELLES FERRY RD CHARLOTTE, NC 28208

OREGON FARM CENTER INC 4636 STATE HIGHWAY 138 OREGON, WI 53575

L&S INVESTMENTS STE A 2730 ROZZELLES FERRY RD CHARLOTTE, NC 28208



