
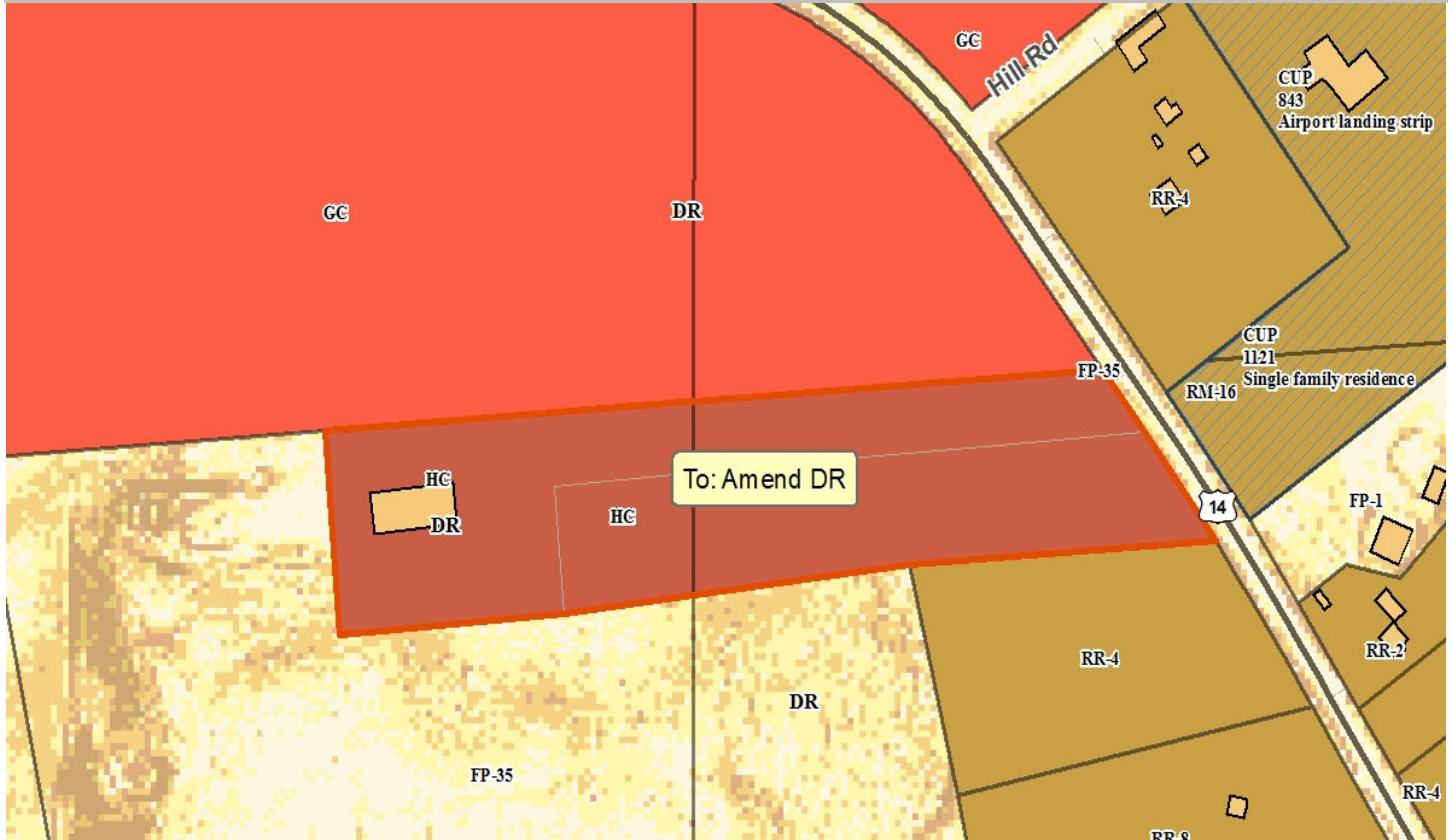


Staff Report  Zoning and Land Regulation Committee	Public Hearing: September 20, 2022		Petition 11886
	Zoning Amendment Requested: HC Heavy Commercial District TO HC Heavy Commercial District		Town/Section: RUTLAND, Section 7
	Size: 9.6 Acres	Survey Required. No	Applicant BUCKYS PORTABLE TOILETS INC
	Reason for the request: Revise deed restrictions to allow 5 tenant spaces and addition to building		Address: 1185 US HIGHWAY 14



DESCRIPTION: The applicant wishes to revise the deed restriction that currently limits the site to 4 tenant spaces, to allow 5 tenant spaces on site. No other change is proposed to the current HC zoning. The applicant plans to move the Bucky’s Dumpsters and Restrooms LLC business to the site and construct a 60’x100’ building addition plus an outdoor storage area.

OBSERVATIONS: The HC district is intended for retail, service, light industrial, lodging, and office uses where primary commercial activity may be indoors or outdoors, the commercial uses are of relatively large scale and intensity, and uses are appropriate to a highly developed area. HC zoning allows various commercial and office uses, and outdoor storage, as permitted uses. The current deed restriction limits the uses of the existing multi-tenant building (see recorded document #5542655). The proposed site plan is in conformance with zoning ordinance requirements for the HC district, outdoor storage, and parking and loading.

TOWN PLAN: The property is located in a Commercial Development Area. The area is intended for a host of small to medium commercial businesses in designated areas.

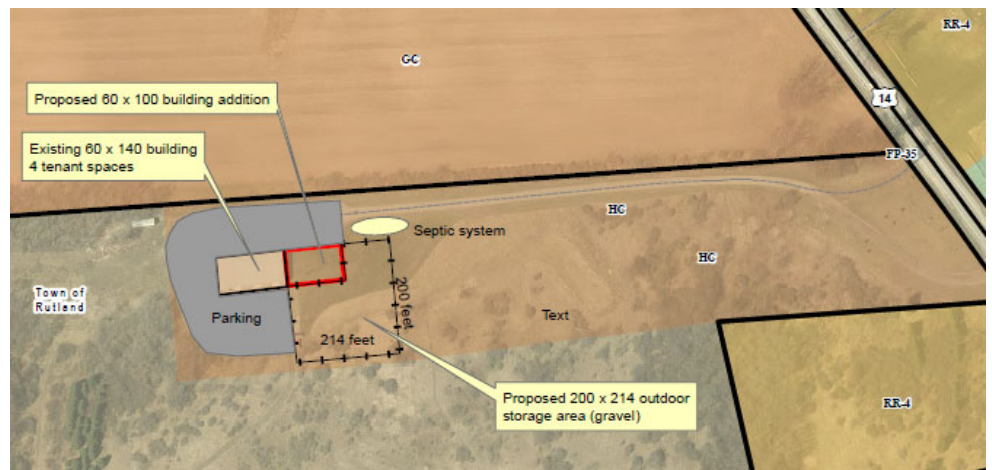
RESOURCE PROTECTION: The property is outside the resource protection area.

TOWN: The Town approved the rezone with the following conditions:

1. A deed restriction shall be recorded on the property with the following limitations:
 - a. Land uses shall be limited to: portable toilet rental business; outdoor storage of portable toilet units in designated area (behind the existing building at the rear of the property at 1185 US Hwy 14); offices and manufacturing facilities; office and warehousing for construction businesses; warehousing of business supplies; indoor storage of vehicles; and repair of lawn and garden equipment; personal or professional service (ex. gym/personal training/cross fit/rehab).
 - b. Land uses expressly prohibited: outdoor storage of material other than portable toilets and related equipment; storage units; storage of personal belongings (mini warehousing).
 - c. There shall be a maximum 5 businesses operating on the property.
 - d. Division of property through a condominium plat is prohibited.
 - e. Off premises (billboard) signage is prohibited. A sign allowance shall be allowed on the HC zoned property to allow the business to have a sign at the road.
 - f. Fencing with screening is required to prohibit visual of the portable toilets and related equipment at the height of at least 8 feet. This involves parcels 0510-073-8000-6 and 0510-074-8571-0.

STAFF: The requested amendment to the existing use restrictions appears reasonably consistent with town plan policies. The proposal will facilitate expansion of the existing commercial building to accommodate a 5th business.

The existing deed restriction requires that an outdoor storage area for the portable toilets be located “behind” the building to shield the area from view of US Highway 14. Applicant now proposes to locate the storage area to the south and east of the building addition. The town’s approval of the petition included a condition requiring an 8’ high screening fence around the storage yard, which is intended to screen the area from the view of US 14.



Pending any concerns raised at the ZLR public hearing, staff recommends approval of the petition with the following conditions. Note that these conditions clarify and implement the town conditions.

Applicant shall record an amendment of restrictions document on the property that replaces the existing deed restriction in document #5542655 and states the following:

1. Land uses on the HC zoned property shall be limited exclusively to the following: portable toilet rental business; outdoor storage of portable toilet units; offices and manufacturing facilities; office and warehousing for construction businesses; warehousing of business supplies; indoor storage of vehicles; repair of lawn and garden equipment; and personal or professional service (ex. Gym/personal training/cross fit/rehab).
2. Land uses expressly prohibited: outdoor storage of material other than portable toilets and related equipment; storage units; storage of personal belongings (mini warehousing).
3. There shall be a maximum of 5 businesses operating on the property.
4. Outdoor storage of portable toilets shall be limited to the area adjacent to the commercial building as depicted on the site and operations plans submitted as part of zoning petition 11886.
5. The outdoor storage area shall be screened from view by an 8’ fence with privacy screening on all sides.
6. Division of the property through a condominium plat is prohibited.
7. Off premises (billboard) signage is prohibited. A sign allowance shall be allowed on the HC zoned property to allow the business to have a sign at the road.

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