

Dane County Rezone Petition

Application revised on 8/16/2023

Application Date	Petition Number
04/14/2023	DCPREZ-2023-11950
Public Hearing Date	
06/27/2023	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME BUCKYS PORTABLE TOILETS INC	PHONE (with Area Code) (608) 835-3459	AGENT NAME <input type="checkbox"/>	PHONE (with Area Code)
BILLING ADDRESS (Number & Street) 1282 COUNTY HIGHWAY MM		ADDRESS (Number & Street) <input type="checkbox"/>	
(City, State, Zip) OREGON, WI 53575		(City, State, Zip)	
E-MAIL ADDRESS sales@buckyspt.com		E-MAIL ADDRESS	

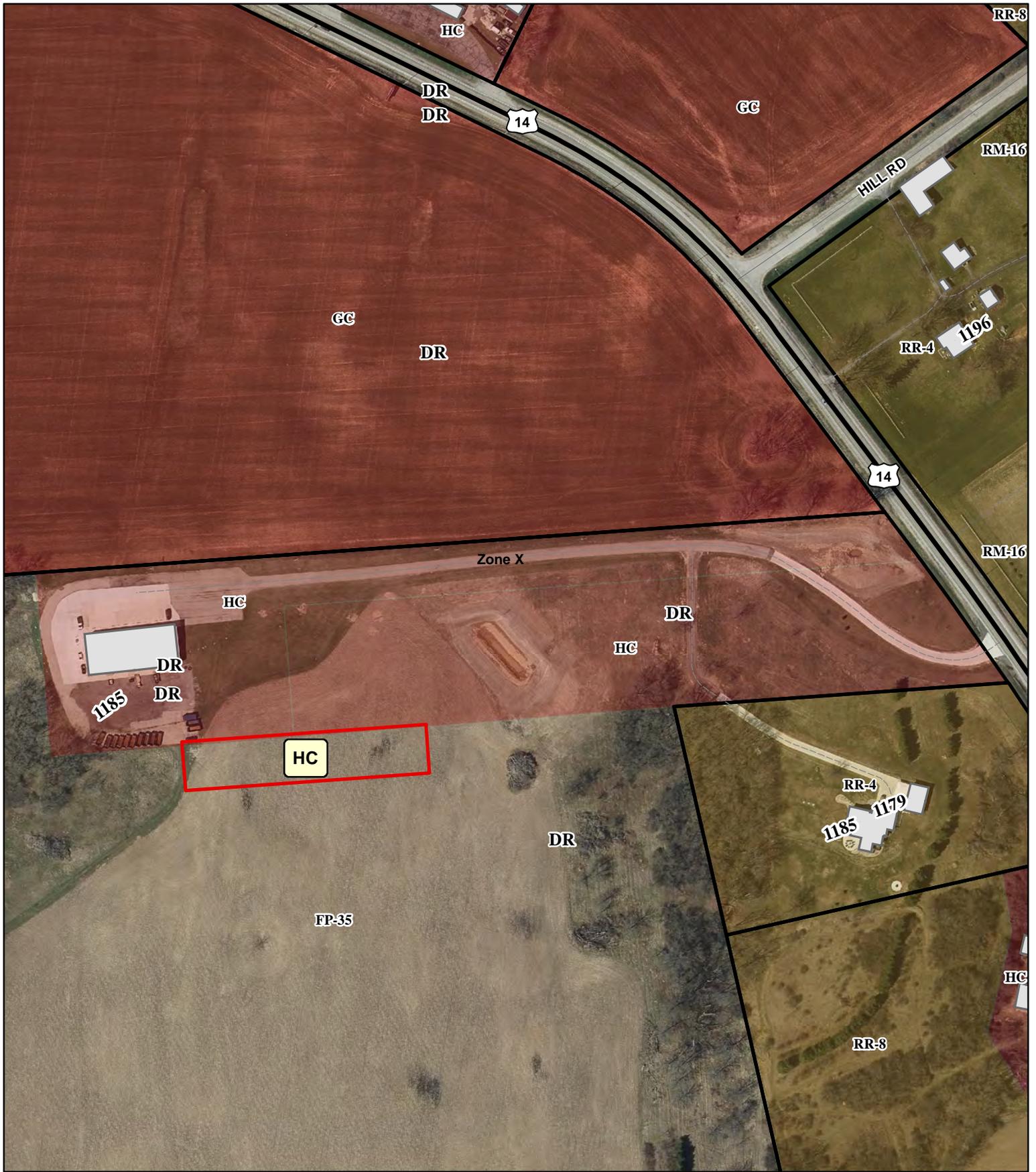
ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE	
1185 US Hwy 14					
TOWNSHIP RUTLAND	SECTION 7	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0510-073-8000-6		0510-074-8571-0			

REASON FOR REZONE

ADD AN ADDITIONAL ~~1.24~~ 0.67 ACRES TO AN EXISTING 9.25-ACRE SPOT ZONE IN ORDER TO ALLOW ADDITIONAL OUTDOOR STORAGE

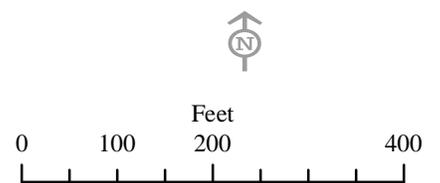
FROM DISTRICT:	TO DISTRICT:	ACRES
FP-35 Farmland Preservation District	HC Heavy Commercial District	1.24 0.67

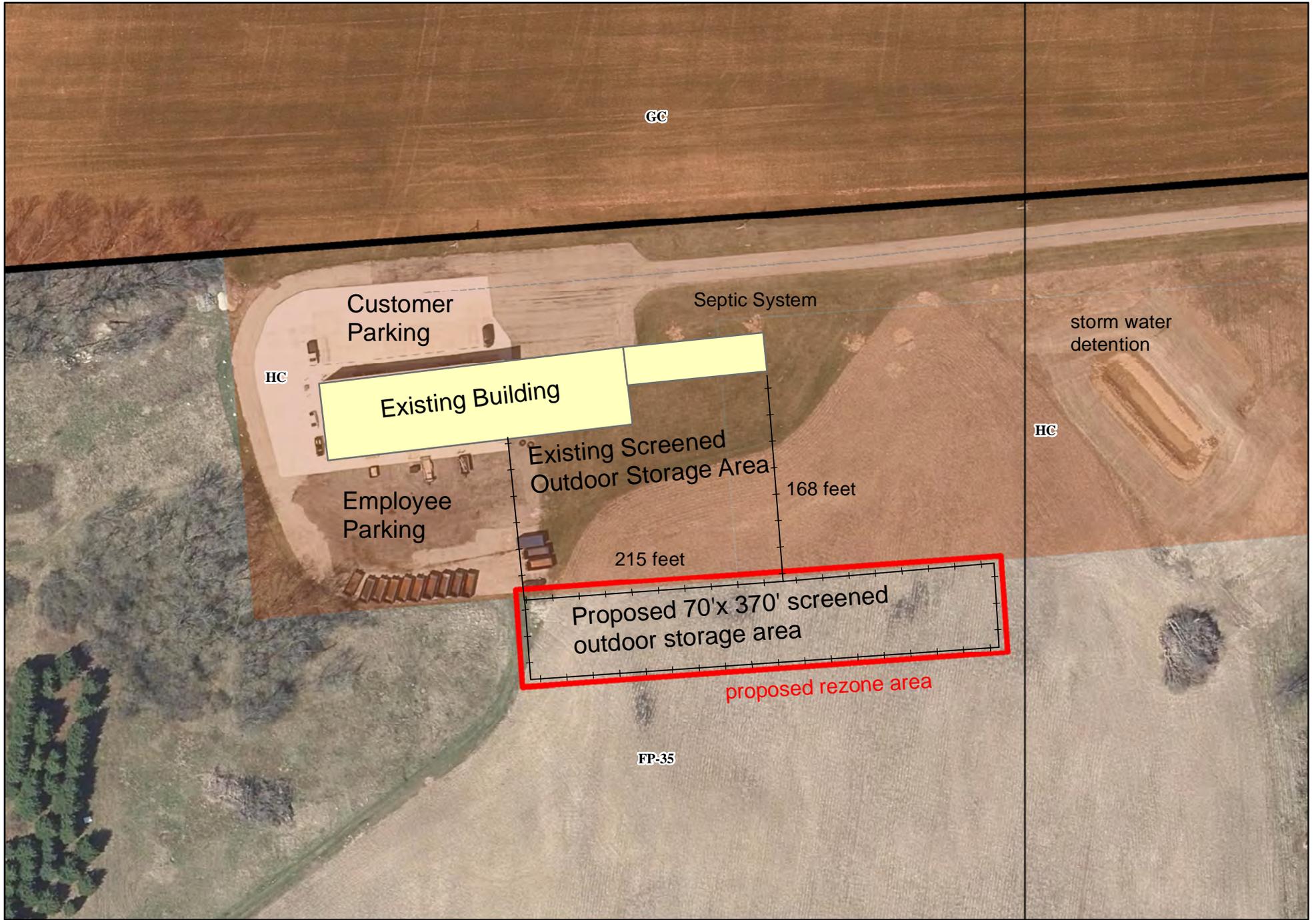
C.S.M REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	DEED RESTRICTION REQUIRED? <input checked="" type="checkbox"/> Yes Applicant Initials _____	INSPECTOR'S INITIALS RWL1	SIGNATURE:(Owner or Agent) PRINT NAME: DATE:
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Rezone 11950

-  Floodway Areas in Zone AE
-  Floodplain





GC

HC

HC

FP-35

Customer
Parking

Septic System

storm water
detention

Existing Building

Employee
Parking

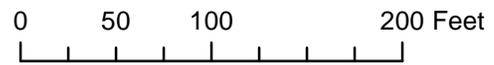
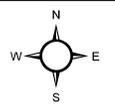
Existing Screened
Outdoor Storage Area

Proposed 70'x 370' screened
outdoor storage area

proposed rezone area

168 feet

215 feet



Revised: August 16, 2023

Operations Plan
Buckys Portable Toilets Inc.
1185 US Hwy 14, Town of Rutland

Operational Narrative

REVISED: 8/16/2023

Buckys Portable Toilets Inc.
1185 US Hwy 14
Section 7, Town of Rutland

Description of operation:

The existing building is approximately 14,400 square feet in size and houses 5 businesses. No additional tenants are requested. The property is currently deed restricted to the following land uses (see attached):

- 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
- personal or professional service (Gym/personal training/cross fit/rehab)
- Land uses expressly prohibited: outdoor storage of material other than portable toilets and related equipment; storage units; storage of personal belongings (mini warehousing).

We would like to change the deed restriction to include the following land uses: temporary storage of dumpsters for use off-site; temporary storage of portable storage containers for use off-site; and outdoor storage of vehicles and equipment used for property maintenance.

Hour of operation:

The normal business hours are 7am to 7pm. The gym is open 24 hours.

Number of employees:

In total there are approximately 25 employees for the 5 tenant spaces.

There are approximately 50 patrons that visit the gym.

Anticipated daily traffic and types of vehicle:

The activities generate approximately 50 passenger vehicle trips per day in addition to approximately 10 truck trips per day.

Outdoor storage:

The property is currently limited to the outside storage of portable toilets in a 200' x 214' in area located south of the building. The storage area is screened with an 8-foot fence.

We would like to add an additional 0.67 acres to the storage area along south side of the building to be used for the temporary storage of dumpsters and portable storage containers. All of the rental dumpsters and portable storage containers shall be stored in an empty condition (no contents within containers). The outdoor storage area will be surrounded with an 8-foot screened fence with gate. See attached screening picture.

Outdoor lighting:

All of the lighting on the property is building mounted. All exterior lighting to be downward facing lighting not to project towards neighboring properties.

Signs:

There is an existing monument sign located along US Hwy 14.

Attachment:

- Picture of screening to be used on fence
- Picture of dumpster
- Picture of portable storage unit

CHOOSE FROM THESE POPULAR STYLES:

150' PrivaScreen Rolls – Extra polyethylene yarn is knitted into the top and bottom edges so EnviroScreen is ready to install right off the roll. No grommets – Sold in 150' roll length.

150' PrivaScreen Plus Rolls – Top and bottom edges are sewn with a double-stitch 3-ply hem and grommets every twelve inches. Sold in 150' roll length.

PrivaScreen Custom – All edges are sewn with a double-stitch, 3-ply hem and grommets every 12". Panels are custom cut to your specifications. Up to 150' roll length.

Privacy Factor – 90%

Standard Heights – 3'8" (for 4' chain link)

5'8" (for 6' chain link)

7'8" (for 8' chain link)



ENVIROSCREEN WINDSCREEN COLORS

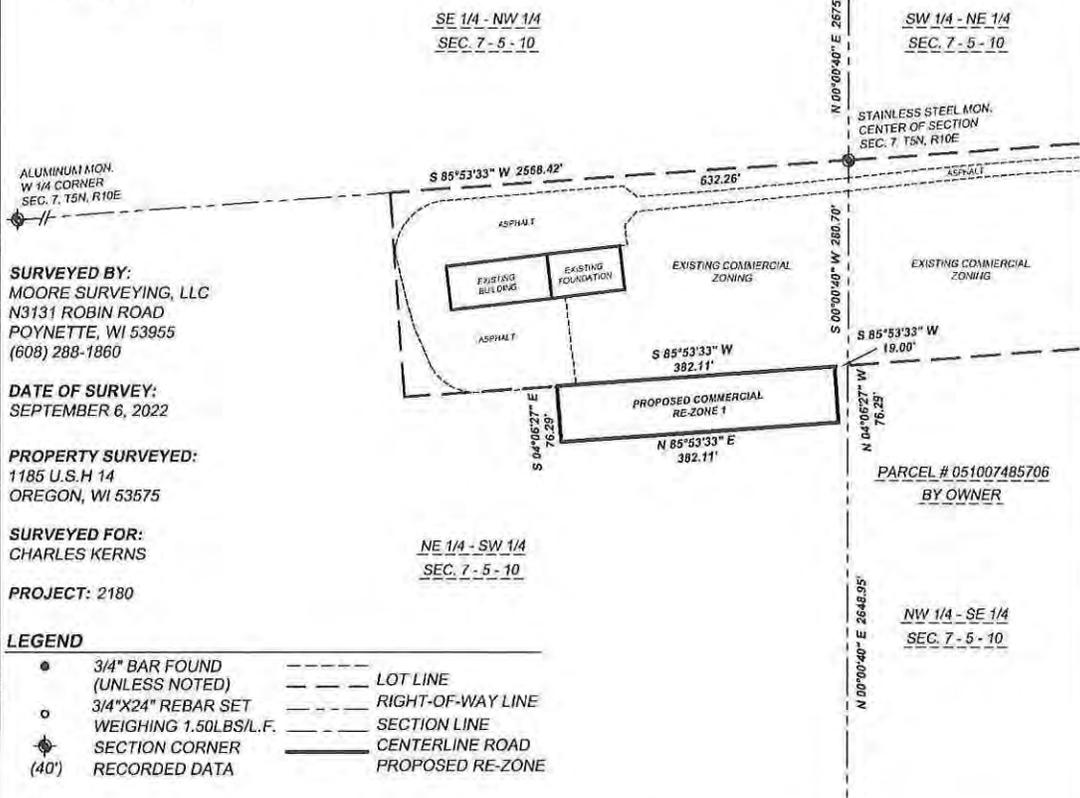


AMERIFENCE - BLACK



PROPOSED RE-ZONE

PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 07, TOWNSHIP 05 NORTH, RANGE 10 EAST,
TOWN OF RUTLAND, DANE COUNTY, WISCONSIN.



SURVEYED BY:
MOORE SURVEYING, LLC
N3131 ROBIN ROAD
POYNETTE, WI 53955
(608) 288-1860

DATE OF SURVEY:
SEPTEMBER 6, 2022

PROPERTY SURVEYED:
1185 U.S.H 14
OREGON, WI 53575

SURVEYED FOR:
CHARLES KERNS

NE 1/4 - SW 1/4
SEC. 7 - 5 - 10

PROJECT: 2180

LEGEND

- 3/4" BAR FOUND (UNLESS NOTED)
- 3/4"x24" REBAR SET WEIGHING 1.50LBS/L.F.
- ⊕ SECTION CORNER (40') RECORDED DATA
- LOT LINE
- RIGHT-OF-WAY LINE
- SECTION LINE
- CENTERLINE ROAD
- ===== PROPOSED RE-ZONE

NOTES

1. BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE SE 1/4 OF SECTION 07, T5N, R10E, WHICH BEARS N 85°53'33" E WHEN REFERENCED TO THE DANE COUNTY COORDINATE SYSTEM.
2. REFER TO BUILDING SITE INFORMATION CONTAINED IN THE DANE COUNTY SOIL SURVEY.
3. ALL PLSS WITNESS MONUMENTS WERE FOUND AND VERIFIED.

LEGAL DESCRIPTION OF PROPOSED RE-ZONE 1

PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 07, TOWNSHIP 05 NORTH, RANGE 10 EAST, TOWN OF RUTLAND, DANE COUNTY WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION OF SAID SECTION 07; THENCE ALONG THE EAST LINE OF THE SW 1/4 OF SAID SECTION 07, S 00°00'40" W, 280.70 FEET; THENCE S 85°53'33" W, 19.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 85°53'33" W, 382.11 FEET; THENCE S 04°06'27" E, 76.29 FEET; THENCE N 85°53'33" E, 382.11 FEET; THENCE N 04°06'27" W, 76.29 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 29,151 SQUARE FEET OR 0.67 ACRES MORE OR LESS.

SUBJECT TO RECORDED AND UNRECORDED RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY AND EASEMENTS.

SURVEYORS CERTIFICATE

I, ANDREW R. MOORE, PROFESSIONAL LAND SURVEYOR HEREBY CERTIFY THAT THIS SURVEY IS IN COMPLIANCE WITH AE-7 AND IS A TRUE AND ACCURATE REPRESENTATION OF THE ABOVE-DESCRIBED PARCEL TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

ANDREW R. MOORE, PROFESSIONAL LAND SURVEYOR, S-3028



FP-35 to HC

PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 07, TOWNSHIP 05 NORTH, RANGE 10 EAST, TOWN OF RUTLAND, DANE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SECTION OF SAID SECTION 07; THENCE ALONG THE EAST LINE OF THE SW 1/4 OF SAID SECTION 07, S 00°00'40" W, 280.70 FEET; THENCE S 85°53'33" W, 19.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 85°53'33" W, 382.11 FEET; THENCE S 04°06'27" E, 76.29 FEET; THENCE N 85°53'33" E, 382.11 FEET; THENCE N 04°06'27" W, 76.29 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 29,151 SQUARE FEET OR 0.67 ACRES MORE OR LESS.



DocId:10234677

Tx:9439411

DEED RESTRICTION
11886

Current Deed Restriction

Use black ink & print legibly

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5872760
11/08/2022 01:53 PM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 3

WHEREAS,

Bucky's Dumpsters and Restroom

Is/are owner(s) of the following described real estate in the Town of Rutland, Dane County, Wisconsin further described as follows:

Name and return address

Bucky's Portable Toilets Inc
4282 County Highway MM
Oregon, WI 53575

2182 Co Hwy MM

Parent Parcel Numbers

0510-073-8000-6
0510-074-8571-0

LEGAL DESCRIPTION: Part of the NE 1/4 of the SW 1/4, and part of the NW 1/4 of the SE 1/4 of Section 7, Town of Rutland, described as follows: Commencing at the East quarter corner of said Section 7; thence S85°29'46" West along the East-West quarter line of said Section 7; 1913.14 feet to the centerline of old US Highway 14 and the point of beginning; thence S37°08'45" East, 64.00 feet to a point of curvature; thence along a curve to the right through a central angle of 00°18'34" an arc distance of 30.95 feet, a radius of 5,729.58 feet and a chord bearing S36°59'27" East, 30.95 feet; thence S85°29'46" West, 1038.63 feet; thence S04°30'14" East, 199.97 feet; thence S85°29'46" West, 383.24 feet; thence N04°30'14" West, 279.97 feet to the East-West quarter line of said Section 7; thence N85°29'46" East along said East West quarter line, 1370.72 feet to the point of beginning.

3

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 following restrictions are hereby imposed:

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.

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.
2. 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.
3. 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.
4. A rezoning of the subject property to a different zoning district shall also act to terminate the restrictions set forth herein.

11-8-22
Date

Date

Chuck the Charles
Signature of Grantor (owner)

Signature of Grantor (owner)

Charles Kerns
*Name printed

*Name printed

STATE OF WISCONSIN, County of Dane

Subscribed and sworn to before me on 8 November 2022 by the above named person(s)

Signature of notary or other person authorized to administer an oath (as per s. 706.06, 706.07) John H Pope Jr

Print or type name John H Pope Jr

Title Real Estate Specialist Date commission expires 10-1-23

This document was drafted by

**Dane County
Planning and Development Department**



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:	\$395
Farmland Preservation:	\$495
Commercial:	\$545
<ul style="list-style-type: none"> • PERMIT FEES DOUBLE FOR VIOLATIONS. • ADDITIONAL FEES MAY APPLY. CONTACT DANE COUNTY ZONING AT 608-266-4266 FOR MORE INFORMATION. 	

REZONE APPLICATION

APPLICANT INFORMATION			
Property Owner Name:		Agent Name:	
Address (Number & Street):		Address (Number & Street):	
Address (City, State, Zip):		Address (City, State, Zip):	
Email Address:		Email Address:	
Phone#:		Phone#:	

PROPERTY INFORMATION			
Township:		Parcel Number(s):	
Section:		Property Address or Location:	

REZONE DESCRIPTION	
<p>Reason for the request. In the space below, please provide a brief but detailed explanation of the rezoning request. Include both current and proposed land uses, number of parcels or lots to be created, and any other relevant information. For more significant development proposals, attach additional pages as needed.</p>	<p>Is this application being submitted to correct a violation? Yes <input type="checkbox"/> No <input type="checkbox"/></p>

See Revised

Existing Zoning District(s)	Proposed Zoning District(s)	Acres

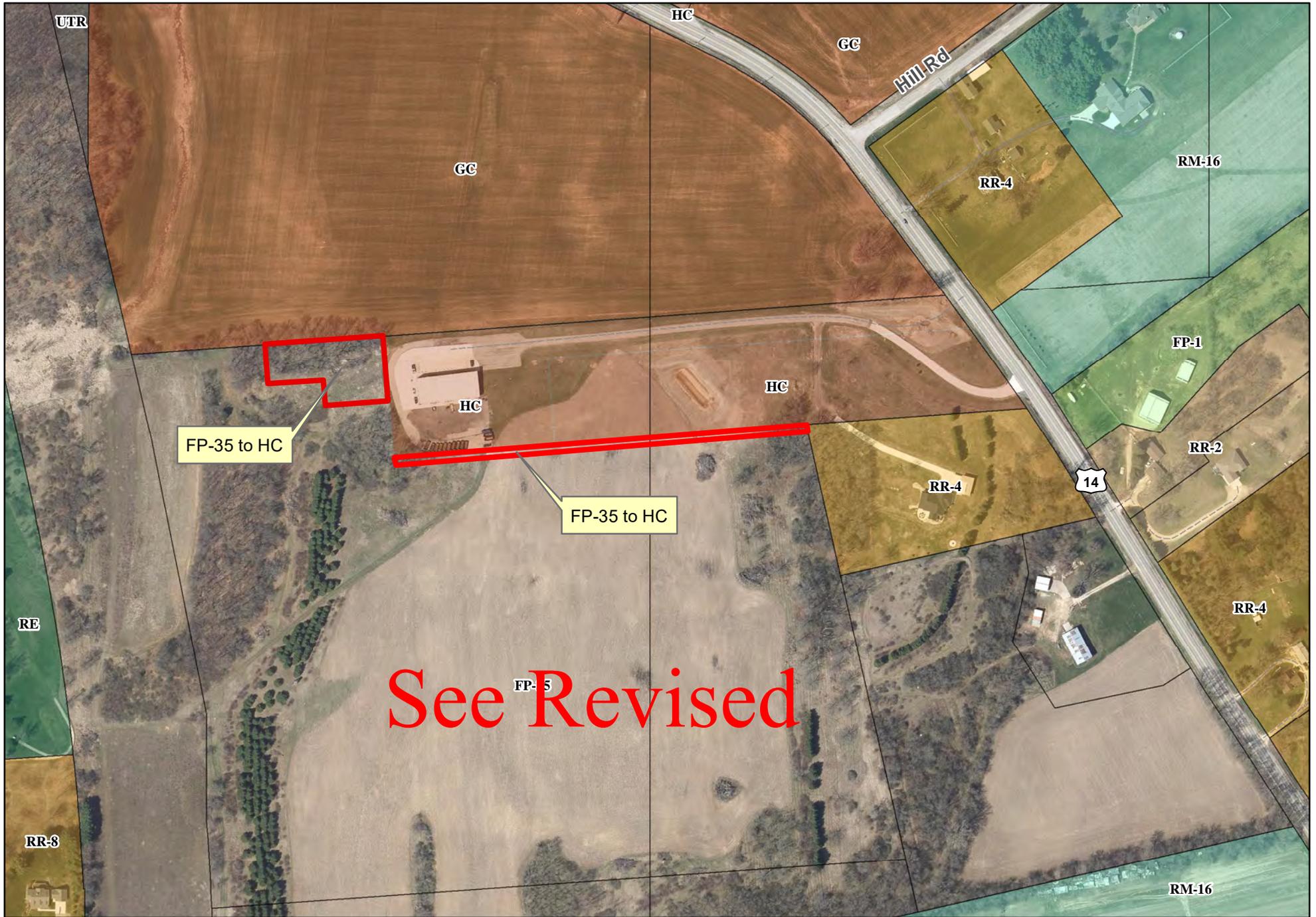
Applications will not be accepted until the applicant has contacted the town and consulted with department staff to determine that all necessary information has been provided. Only complete applications will be accepted. All information from the checklist below must be included. Note that additional application submittal requirements apply for commercial development proposals, or as may be required by the Zoning Administrator.

<input type="checkbox"/> Scaled drawing of proposed property boundaries	<input type="checkbox"/> Legal description of zoning boundaries	<input type="checkbox"/> Information for commercial development (if applicable)	<input type="checkbox"/> Pre-application consultation with town and department staff	<input type="checkbox"/> Application fee (non-refundable), payable to the Dane County Treasurer
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I certify by my signature that all information provided with this application is true and correct to the best of my knowledge and understand that submittal of false or incorrect information may be grounds for denial. Permission is hereby granted for Department staff to access the property if necessary to collect information as part of the review of this application. Any agent signing below verifies that he/she has the consent of the owner to file the application.

Owner/Agent Signature _____

Date _____



See Revised



Bucky's Dumpsters and Restrooms Inc
1185 US Hwy 14

Operational Narrative

Bucky's Dumpsters and
Restroom Inc.
1185 US Hwy 14
Section 7, Town of Rutland

Description of operation:

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See Revised

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Number of employees:

In total there are approximately 25 employees for the 5 tenant spaces.

There are approximately 50 patrons to the gym.

Anticipated daily traffic and types of vehicle:

The activities generate approximately 50 passenger vehicle trips per day in addition to approximately 10 truck trips per day.

Outdoor storage:

The property is currently limited to the outside storage of portable toilets in a 200' x 214' in area located south of the building. The storage area is screened with an 8-foot fence.

We would like to add an additional 0.86-acre area along the west side of the property to store portable toilets, dumpsters, and property maintenance equipment. The proposed area will be surrounded with an 8-foot screened fence with gate.

We would also like to add a small strip of land to the HC Zoning District (20 feet) to accommodate the installed screened fencing.

Outdoor lighting:

All of the lighting on the property is building mounted.

Signs:

There is an existing monument sign located along US Hwy 14.

See revised