
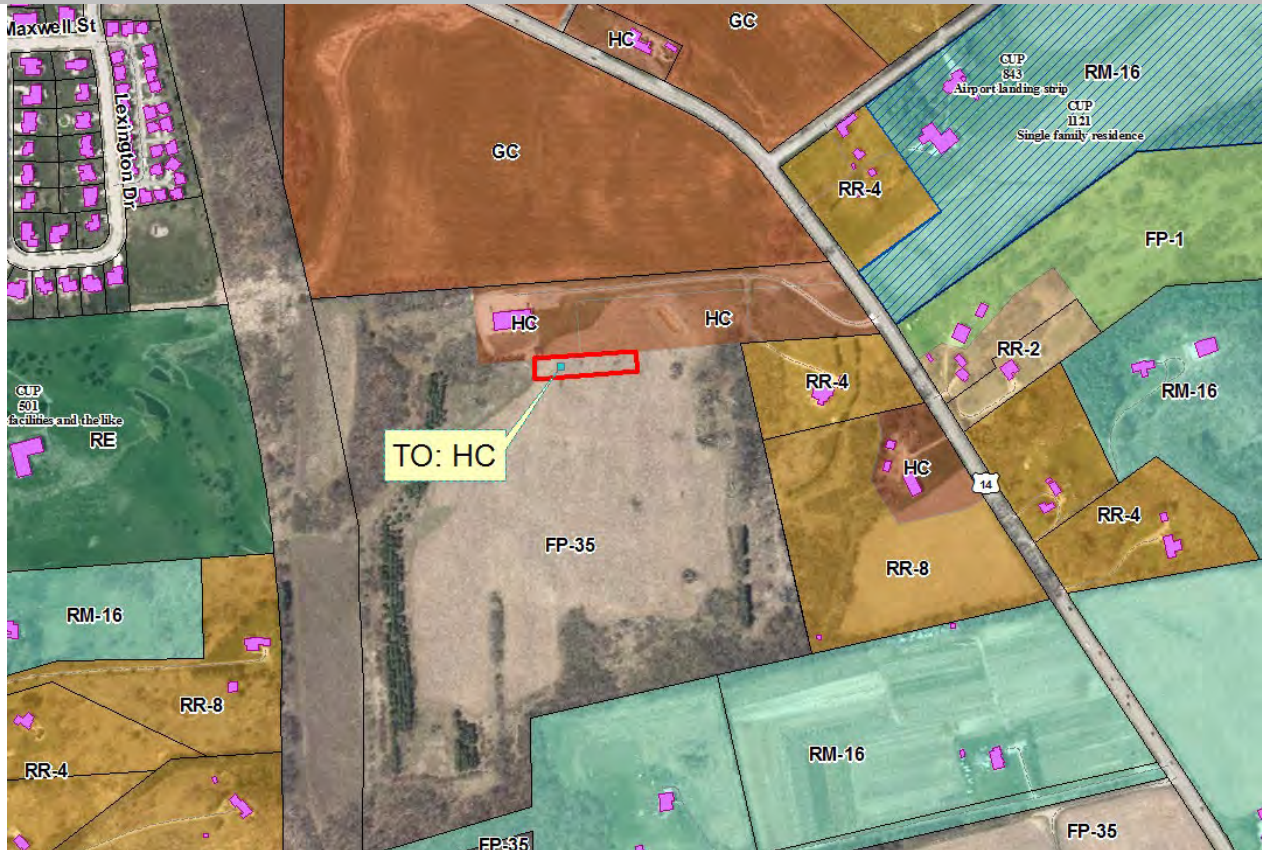


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>June 27, 2023</b>		<b>Petition 11950</b>
	<i>Zoning Amendment Requested:</i> <b>FP-35 Farmland Preservation District TO HC Heavy Commercial District</b>		<i>Town/Section:</i> <b>RUTLAND, Section 7</b>
	<i>Size:</i> <b>1.24 0.67Acres</b>	<i>Survey Required:</i> <b>No</b>	<i>Applicant</i> <b>BUCKYS PORTABLE TOILETS INC</b>
	<i>Reason for the request:</i> <b>Add an additional 1.24 0.67 acres to an existing 9.25-acre spot zone in order to allow additional outdoor storage</b> <b>Petition revised to relocate outdoor storage area and reduce the size to 0.67 acres</b>		<i>Address:</i> <b>1185 US HWY 14</b>



**DESCRIPTION:** Bucky’s Dumpsters and Restrooms Inc. proposes to add 1.24 0.67 acres to the existing HC spot zone to allow for additional outdoor storage area associated with his business. The new storage area would be located to the west south of the building, and the HC zoning would also be extended 20’ to the south from its current boundary, to accommodate the existing fenced area. In addition, a new 32’x112’ lean-to structure is proposed as an addition on the east end of the existing building, which would open to the south into the existing screened storage yard.

**OBSERVATIONS:** The proposed site plan is in conformance with zoning ordinance requirements for the HC district, outdoor storage, and parking and loading.

There is currently a 200’ x 214’ storage area located south and east of the building, which is screened with an 8-foot fence. The proposed new storage area to the west south of the building will be surrounded with an 8-foot screened fence with a gate, in the same style as the current fencing.

The property is currently deed restricted to limit the land uses on site, as part of previous rezoning petition #11886 (recorded document #5872760). The deed restriction prohibits, among other things, “outdoor storage of material other than portable toilets and related equipment”. The applicant wishes to modify this restriction to allow outdoor storage of dumpsters, storage containers, and property maintenance vehicles and equipment.

**COMPREHENSIVE PLAN:** The property is designated as a Commercial Development Area in the comprehensive plan. The area is intended for a host of small to medium commercial businesses in designated areas. It would be appropriate to impose the same set of limitations on commercial land uses, signage, and outdoor storage as was applied under previous zoning [petition #11886](#). Pending any concerns expressed by the town during the course of its review, or at the ZLR Public Hearing, the proposal appears reasonably consistent with comprehensive plan policies. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or [allan@countyofdane.com](mailto:allan@countyofdane.com))

**RESOURCE PROTECTION:** The property is outside the resource protection area. Site currently has open erosion control and stormwater management permits. If this petition corresponds to additional development beyond what is currently permitted, new permits will need to be obtained.

**STAFF RECOMMENDATION:** Staff recommends postponement at this time, due to no town action per ZLR Committee adopted rules and procedures.

As noted above, staff recommends that a new deed restriction be recorded with the Register of Deeds that reflects the new boundary of the HC zoning district and the modified land uses. The intent is to allow outdoor storage only for materials associated with the Bucky's business.

**JUNE 27<sup>TH</sup> ZLR COMMITTEE MEETING:** The ZLR Committee postponed action due to no town action.

**TOWN ACTION:** On September 6<sup>th</sup> the Town Board recommended approval of the rezone petition, as revised on 8/16/2023, with the condition that a deed restriction be recorded stating:

1. The land uses on the property shall be limited exclusively to the following: Portable toilet rental business; outdoor storage of portable toilet units; storage of refuse dumpsters for use off-site, storage of empty portable storage containers for use off-site, and outdoor storage of property maintenance vehicles and equipment; offices and manufacturing facilities; office and indoor warehousing for construction businesses; indoor warehousing of business supplies; indoor storage of vehicles; indoor repair of lawn and garden equipment; and personal or professional services (ex. gym/personal training/crossfit/rehab).
2. Land uses expressly prohibited: outdoor storage of materials other than those listed above as permitted; permanent or on-site storage units storing personal belongings (mini warehousing). The portable storage units that are stored on the property shall not be used for the purposes of storage of personal belongings or construction materials. The storage container shall remain empty when stored on-site.
3. There shall be a maximum of 5 businesses operating on the property.
4. Outdoor storage of portable toilets, off site rental dumpsters, and off site portable shipping containers shall be limited to the area adjacent to the commercial building as depicted on the site and operations plan submitted as part of zoning petition 11950 dated August 16th, 2023. Outdoor storage limited only to fenced area, no stacking of off-site portable storage containers or dumpsters in excess of 8 tall.
5. All outdoor business storage areas shall be screened from view by an 8 fence with privacy screening on all sides. No other outside storage permitted.
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 property to allow the business to have a sign at the road.
8. All exterior lighting to be downward facing lighting not to project towards neighboring properties.

**STAFF UPDATE (9/18/23):** Pending any concerns raised at the ZLR public hearing, staff would recommend approval of the petition subject to the following conditions:

The existing deed restriction shall be terminated, and a new deed restriction shall be recorded on the lot stating the following:

1. The land uses on the property shall be limited exclusively to the following: Portable toilet rental business; outdoor storage of portable toilet units; storage of refuse dumpsters for use off-site; storage of empty portable storage containers for use off-site; outdoor storage of property maintenance vehicles and equipment; offices and manufacturing facilities; office and indoor warehousing for construction businesses; indoor warehousing of business supplies; indoor storage of vehicles; indoor repair of lawn and garden equipment; and personal or professional services (ex. gym/personal training/crossfit/rehab).
2. Land uses expressly prohibited: outdoor storage of materials other than those listed above as permitted; permanent or on-site storage units storing personal belongings (mini warehousing). The portable storage units that are stored on the property shall not be used for the purposes of storage of personal belongings or construction materials. The storage container shall remain empty when stored on-site.
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5. All outdoor business storage areas shall be screened from view by an 8' fence with privacy screening on all sides. No other outside storage permitted.
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 property to allow the business to have a sign at the road.
8. All exterior lighting to be downward facing lighting not to project towards neighboring properties.

Any questions about this petition or staff report please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@countyofdane.com](mailto:holloway.rachel@countyofdane.com)