

Staff Report



Zoning & Land Regulation Committee

Public Hearing: **March 25, 2025**

Zoning Amendment Requested:

TO CUP: Limited Family Business (Dumpster Storage and Delivery Service)

Size: **28.9 Acres**

Survey Required:

Reason for the request:

Limited Family Business (Dumpster Storage and Delivery Service)

Conditional Use 02652

Town, Section:

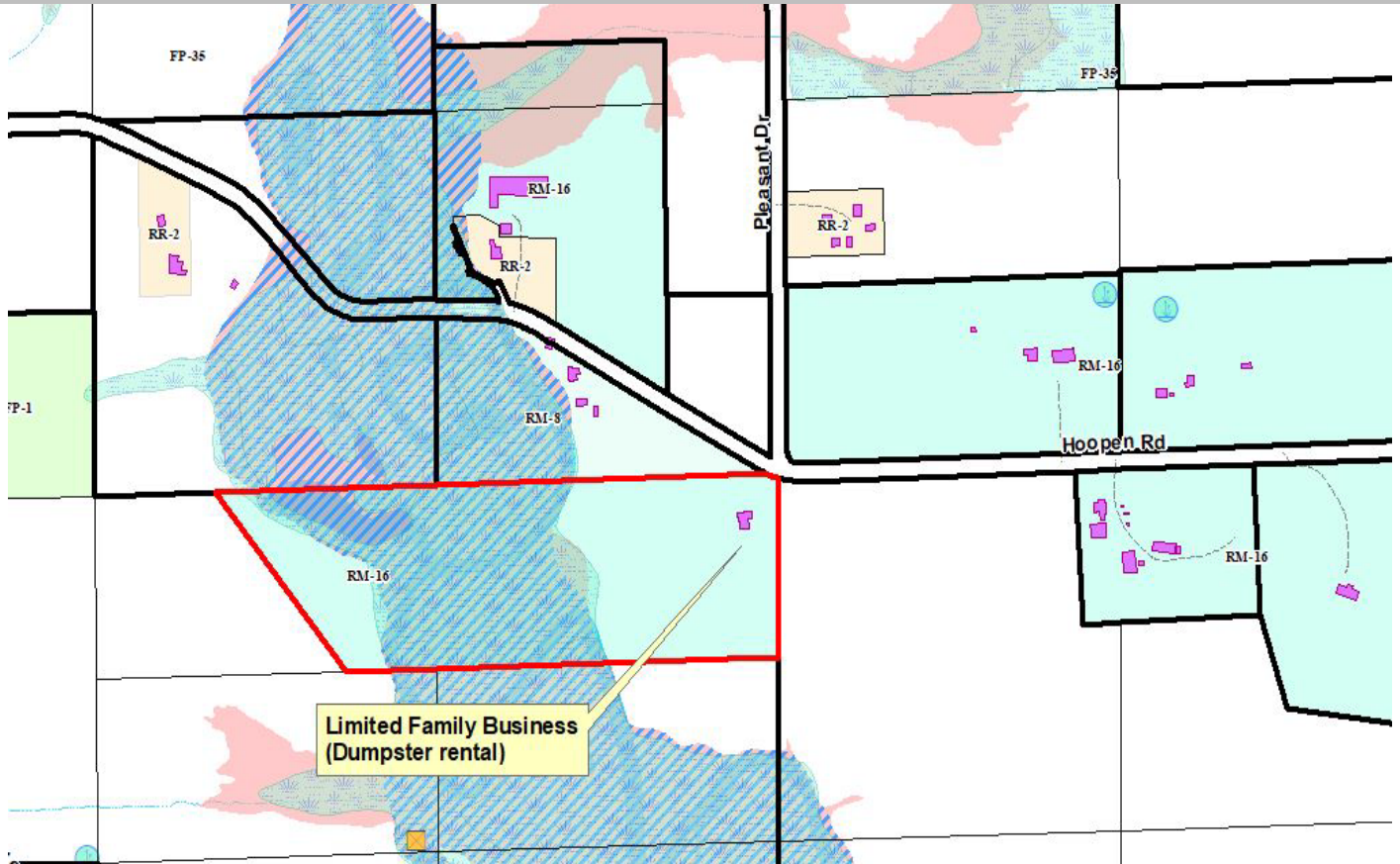
CHRISTIANA, Section 36

Applicant:

MATTHEW AND KASSI SCHULTZ

Address:

135 HOOPEN ROAD



DESCRIPTION: Applicant Matt Schultz requests a conditional use permit (CUP) for a limited family business, in order to operate a dumpster service from the property. The business is run by Schultz; there are no employees and no customer traffic associated with it. The owner would store unrented dumpsters inside a new 5,000 square foot accessory storage building, and use a truck to bring them in and out. He expects 3 to 5 deliveries on a busy day. There would be no dumpster washing done on site, no business signage, and no outdoor storage associated with the business.

OBSERVATIONS / FACTUAL INFORMATION: The property is currently zoned RM-16, which only allows such a land use with an approved CUP. The site and planned building improvements meet all requirements of the RM-16 zoning district.

The property is in both residential and agricultural use, and is roughly 29 acres in size. The neighboring lands contain mostly farms with Farmland Preservation zoning, and a handful of rural residential or rural mixed-use parcels to the north and east. There is one residence within 500 feet, and four within 1,200 feet, of the site where the conditional use would operate. There is also a horse stable and another limited-scale business nearby.

RESOURCE PROTECTION: The property is close to having 20,000 square feet of impervious surface, including the graveled areas. Any additional installed impervious will likely require a stormwater management permit from Dane County Land and Water Resources. For more information, please contact Jason Tuggle at (608) 516-2275 / tuggle.jason@danecounty.gov and visit <https://lwrd.danecounty.gov/permits/submit-a-permit>.

The west end of the property is subject to shoreland and floodplain zoning regulations. However, the proposed conditional use would operate in the developed east end of the site, well outside of those areas.

COMPREHENSIVE PLAN: Christiana's town land use plan has few policies for commercial land uses or development. The plan states:

Non-farm commercial uses are generally discouraged in the town, except in the Highway 12/18 corridor within 1.5 miles of the Village of Cambridge western boundary. The town may consider zoning changes or conditional use permits to accommodate existing, established commercial uses in the town, or for limited, family-owned businesses that serve town residents. Conditional zoning approval will be used to ensure that any commercial use fits with the rural character of the town. Such conditional approval may include, but is not limited to, deed restrictions limiting the range of permitted uses, hours of operation, or design considerations, along with prohibitions against additional division of land or ownership. The town may also include a "sunset" provision on conditional use permits that would expire the permit upon sale of the property to an unrelated 3rd party.

As an existing limited, family-owned business that serves town residents, the proposed conditional use appears reasonably consistent with the town plan. For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or Allan.Majid@danecounty.gov.

CONDITIONAL USE PERMIT DECISION MAKING: "Conditional uses" are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and determine whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a CUP. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant's testimony with regards to meeting the standards.

1. *That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The CUP application describes the proposed operations plan. The applicant states that the dumpsters will be stored under a roof, will be empty (having been emptied at the landfill prior to being brought back to the site), and will not contain any hazardous materials or restaurant waste. He keeps a list of items that are not allowed. In addition, the business does not operate every day, and generally operates between 8:00am and 5:00pm (he notes the need to get to the landfill before it closes at 3:15pm). A busy day is 3 to 5 deliveries (see application).

2. *That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.*

The applicant states that all the dumpsters will be in an accessory building, the property is surrounded by agriculture, and the building will look like any other barn. His dumpsters and truck will not be visible from the road, there will be no outdoor storage, and the neighbor to the north has a thick tree line and grass that provide visual screening. He states that the neighboring family to the east supports this business.

Staff notes that the nearest neighbor to the east is 1,200 feet away and also has a conditional use permit for parking a limited amount of large vehicles on site. There are few neighbors around this property as noted above. The application indicates there will be two lights at the north and south end of the building that are only on when he brings dumpsters in, and there is no business signage proposed on site. The building will also be located behind another storage building that was built in 2024.

3. *That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The applicant states that his building will not have any effect on the neighboring properties as far as their intended use. The building is 30 to 50 feet off the property line, the neighboring property to the east is a 132-acre agricultural field. He is not rezoning the property to commercial so when he moves or retires, or ceases to operate the business for one year, the CUP will expire.

This standard pertains to whether the proposed conditional use would affect *how the surrounding properties could be developed and improved, considering what they are currently zoned for*. As noted above, this property and most of the surrounding properties are used and zoned for agricultural and rural residential uses. The accessory building would still fit with the surrounding area as a residential storage building with no business use.

4. *That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.*

The utilities, access roads, drainage, and other improvements needed for the proposed use are already in place. The applicant says there is a gravel driveway to the building, which would be extended further as part of the new construction (see site plan). The existing 2,000 square foot building was previously permitted and constructed as a residential storage building. New construction will be subject to applicable erosion control and drainage requirements as part of the zoning permit application and review process. This includes the likely need for a stormwater management plan/permit from Land and Water Resources.

5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

The property is served by an existing driveway roughly 450 feet long, with ample outdoor and indoor parking and maneuvering space. The applicant states that he has only one truck and no customers come to or from the site. He has had no issues with congestion, can turn into the driveway and make all maneuvers on site.

6. *That the conditional use shall conform to all applicable regulations of the district in which it is located.*

The proposed use conforms to the applicable regulations of the RM-16 zoning district. A limited family business is an allowable conditional use in the zoning district. The proposed accessory building meets zoning requirements.

7. *That the conditional use is consistent with the adopted town and county comprehensive plans.*

As noted above, the proposal appears consistent with the Town and County Comprehensive Plans.

8. *If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).*

Not applicable.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: The potential nuisances that pertain to limited family business operations most likely involve noise, traffic, and storage of vehicles/equipment/materials. The applicant's CUP application addresses how these potential nuisances are handled, as noted above.

Potential conditions of approval specific to this CUP can be developed after public input and deliberation by the Zoning and Land Regulation (ZLR) Committee. Under Dane County Zoning Ordinance section 10.103(12), there are other special requirements for limited family business operations:

- a) *A conditional use permit for a limited family business is designed to accommodate small family businesses without the necessity for relocation or rezoning while at the same time protecting the interests of adjacent property owners. Applicants for this conditional use permit should recognize that rezoning or relocation of the business may be necessary or may become necessary if the business is expanded. No limited family or rural business shall conflict with the purposes of the zoning district in which it is located.*
- b) *The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.*
- c) *Using applicable conditional use permit standards, the committee shall determine the percentage of the property that may be devoted to the business.*
- d) *The conditional use permit holder may be restricted to a service oriented business and thus prohibited from manufacturing or assembling products or selling products on the premises or any combination thereof.*
- e) *The conditional use permit may restrict the number and types of machinery and equipment the permit holder may be allowed to bring on the premises.*

- f) *Structures used in the business shall be considered to be residential accessory buildings and shall meet all requirements for such buildings. The design and size of the structures is subject to conditions set forth in the conditional use permit.*
- g) *Sanitary fixtures to serve the limited family business use may be installed, but must be removed upon expiration of the conditional use permit or abandonment of the limited family business.*
- h) *The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.*

Based on the provisions noted above for limited family businesses in s. 10.103, the Town and ZLR Committee may opt to limit the number and types of equipment the owner may have on site, prohibit sanitary fixtures in the accessory building, specify days and times for operating hours, and/or have the CUP expire upon sale of the property or business.

TOWN ACTION: On December 9, 2024 the Town Board approved the conditional use, conditioned on the applicant constructing a building to house the dumpsters so they are not open to the elements and potentially allowing run off.

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. This includes the information above regarding the specifics of the operation and surrounding lands, the fact that there is one owner-employee, no customer traffic, and the conditional use would be conducted entirely indoors. If the Committee requires additional information on which to base a decision, this can be requested at the public hearing.

Pending any comments at the public hearing, Staff recommends that (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards listed above and (2) we recommend approval with the conditions below.

CUP 2652 Potential Conditions of Approval:

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. Any conditions required for specific uses listed under s. 10.103 (see below).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. 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.
4. 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.
5. 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.
6. 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.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. 10.102(8).
9. 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.
10. 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.

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.

Conditions specific to CUP # 2652:

13. The use shall employ no more than one or one full-time equivalent, employee who is not a member of the family residing on the premises.
14. All dumpsters and related equipment shall be stored inside the accessory building, as proposed.
15. Sanitary fixtures in the accessory buildings are prohibited.
16. This permit shall automatically expire on sale of the property or the business to an unrelated third party.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.