


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>September 20, 2022</b>		<b>CUP 02572</b>
	<i>Zoning Amendment Requested:</i> <b>TO CUP: Limited Family Business - small dog kennel</b>		<i>Town/Section:</i> <b>VERONA, Section 25</b>
	<i>Size:</i> <b>2.5 Acres</b>	<i>Survey Required.</i>	<i>Applicant</i> <b>KATIE KWAS &amp; MICHAEL THOMPSON</b>
	<i>Reason for the request:</i> <b>Limited Family Business - small dog kennel</b>		<i>Address:</i> <b>6537 SHADY BEND RD</b>



**DESCRIPTION:** Landowner seeks a conditional use permit to allow for a limited family business for a “pet sitting service” on an existing 2.5-acre lot in the RR-2 (Rural Residential) zoning district.

**OBSERVATIONS/ FACTUAL INFORMATION:** The property is immediately west of an adjacent residential parcel zoned RR-4, with a row of evergreen vegetation between the two lots. The property is located on County Trunk Highway M to the west and south, which is a heavily travelled road. It also abuts a commercial business park within the City of Verona across CTH M and Shady Bend Road. Applicant proposes caring for no more than 10 dogs at a time, with the majority of the activity occurring indoors. Outdoor runs for dogs are proposed be used for 1 – 2 dogs at a time, with animals from different households to be kept separated and all dogs to be monitored by the resident owners.

**DANE COUNTY HIGHWAY:** No access will be permitted on CTH M due to conditional use permit; no change is proposed.

**TOWN PLAN:** The property is within a Rural Residential (2-4 Acres) planning area in the *Town of Verona / Dane County Comprehensive Plan*. The plan supports all permitted and conditional uses in the RR-2 zoning district. (For questions on the town plan, contact Senior Planner Brian Standing at [standing@countyofdane.com](mailto:standing@countyofdane.com).)

**RESOURCE PROTECTION:** There are no mapped resource protection corridors on the site.

**CUP STANDARDS:** In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
2. 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.
3. 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.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
7. That the conditional use is consistent with the adopted town and county comprehensive plans;
8. If the conditional use permit is located in the FP Farmland Preservation Zoning District the land use shall meet the requirements found under 10.220(1)(b).

**TOWN ACTION:** The Town has discussed with the applicants but has not yet taken action. The Town will revisit the petition at its October 4<sup>th</sup> Plan Commission meeting and will hold a public hearing with the Town Board on October 20<sup>th</sup>.

**STAFF RECOMMENDATION:** Staff recommends postponement at this time, to allow for town action. See next page for possible conditions of approval, pending public comments at the public hearing.

**SEPTEMBER 20<sup>th</sup> ZLR MEETING:** This petition was postponed at the September 20, 2022 meeting due to public opposition and no town action. Multiple neighbors in the area spoke and submitted written comments in opposition, and expressed concerns about the potential for noise, traffic, impacts to the area's rural character, impacts to wildlife, property values, the wellbeing of dogs boarded on site, and concerns about the proposed operation being a commercial kennel / animal boarding operation which is not allowed in residential zoning districts.

Applicant Michael Thompson responded by describing the proposed operation and why he and his wife believe it is appropriate for this location, being a residential property located on a high-traffic road adjacent to both residences and urban commercial development. He explained the dogs will be supervised outdoors and will have a fenced enclosure, that they will insulate the accessory building housing the dogs for better noise mitigation, and said they propose this as a small-scale boarding operation in contrast to the large-scale operations like the one nearby in the City of Verona near the Costco that boards 70 dogs. He offered to reduce the number of dogs boarded to 5 or less.

Staff explained that the initial proposal appeared to fit the intent of Limited Family Businesses in the zoning code, due to the size and considering the primary use of the property would still be residential. And if the applicants were to board fewer than 6 dogs it would not be defined as a kennel or "animal boarding". Staff also consider the surrounding context of heavy traffic, adjacent commercial land uses, and associated noise, in addition to public comments received as part of the public hearing process.

Since the public hearing, Staff also visited the site and surrounding area. The conditions on the ground were found to be as described above, with a rural area abutting a busy urban commercial area with sites under construction.

**STAFF UPDATE:** The applicant has agreed to limit the number of dogs boarded to 5, and to allow one outside at a time (or multiple dogs only if they are within the same family). In summary, Staff feel that the conditions noted below effectively mitigate the concerns raised at the public hearing by limiting the number of animals boarded and limiting the number of animals outdoors. As of September 27<sup>th</sup>, we have not yet received a Town Action Report. Pending town action, staff recommends approval subject to the possible conditions of approval on the next page.

Possible conditions of approval for CUP 2572:

1. The conditional use permit shall expire upon the sale of the property.
2. 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.
3. No more than 5 domestic pets being boarded shall be on the premises at one time.
4. Each animal shall be provided with adequate exercise space.
5. Each animal shall be provided with an indoor containment area.
6. No more than one (1) dog shall be outdoors at any one time, unless the dogs are from the same household. Dogs shall be monitored while outdoors.
7. Outdoor areas must be secured and maintained with fencing that effectively contains the dogs on the premises.
8. Animal waste shall be promptly removed from the premises indoor and outdoor areas and placed in proper waste containers until further removed from the property by a waste management company.
9. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
10. 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 Uniform Dwelling Code.
11. 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.
12. 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.
13. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
14. Off-street parking space for at least four vehicles must be provided, consistent with s. 10.102(8).
15. 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.
16. 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.
17. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
18. 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.
19. 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. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation. If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.