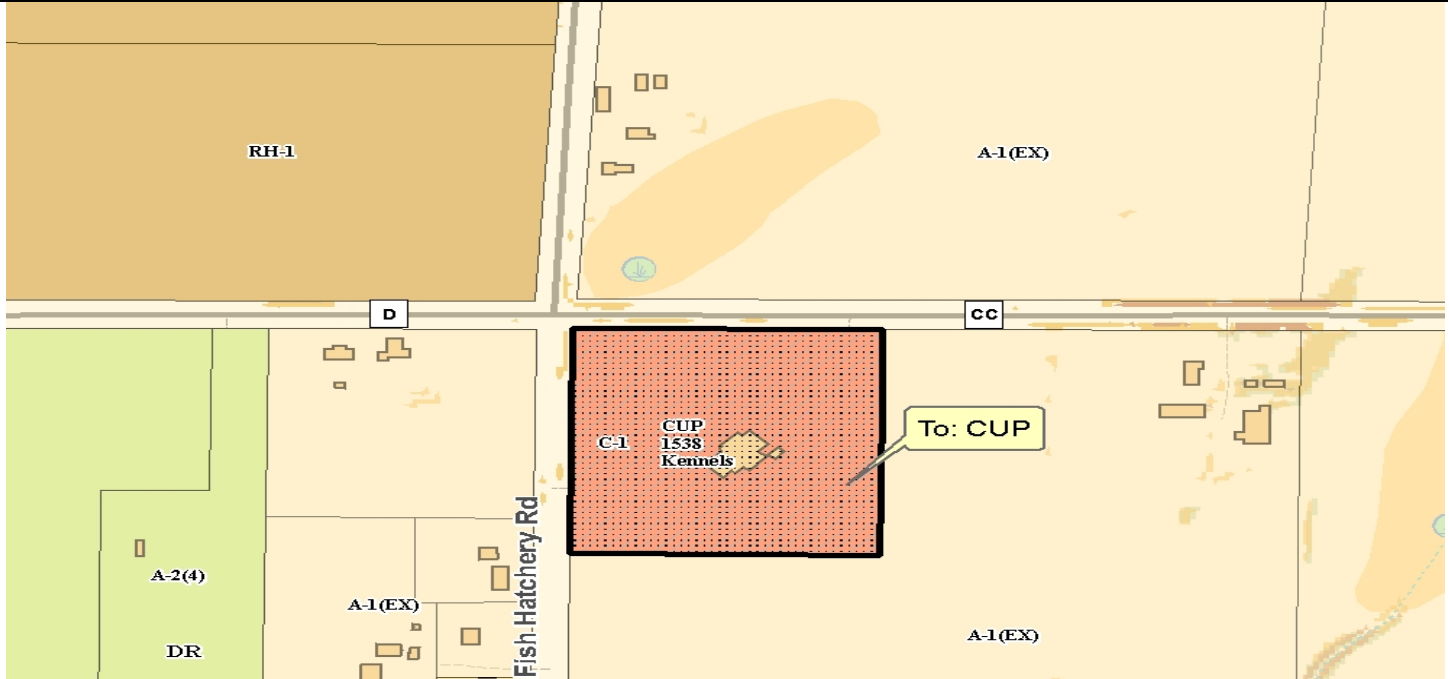




# Staff Report

<b>Zoning and Land Regulation Committee</b>	<i>Public Hearing:</i> <b>March 22, 2016</b>	<i>Petition:</i> <b>CUP 2335</b>
	<i>Zoning Amendment:</i> <b>None</b>	<i>Town/sect:</i> <b>Oregon Section 36</b>
	<i>Acres:</i> 8.018 <i>Survey Req. No</i>	<i>Applicant</i> <b>Country View Enterprises LLC</b>
	<i>Reason:</i> <b>Amending existing conditional use permit to allow outdoor play area and pasturing of large animals</b>	<i>Location:</i> <b>1350 S. Fish Hatchery Road</b>



**DESCRIPTION:** Country View Veterinary Service is proposing to expand their existing operation. They would like to construct a second building to house a large animal clinic and expand the current small animal daycare operation by offering an outdoor play area. Under the current CUP #1538, kenneling and training is limited to indoor facilities. The outdoor play area will only be used during business hours.

**OBSERVATIONS:** The property is located on the corner of Fish Hatchery Road and County Highway CC. The existing operation was approved in 1999 under Conditional Use Permit #1538. There are 7 single-family dwellings 600 to 1000 feet of the facility. The property consists entirely of Class II soils. There is a small wetland area under 2 acres in size located in the northwest corner of the property.

**TOWN PLAN:** The Town Plan designates this property for Commercial Development. The proposal appears to be consistent with the land use policies. The plan suggests screening or landscaping to be used in order to reduce potential land use conflicts.

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

**STAFF:** The ambient noise levels for the area are somewhat high during business hours due to the adjacent County Roads. The introduction of minor outdoor activities appears to be reasonable for the area. Attached is a list of suggested conditions to mitigate potential nuisances.

**3/22 ZLR Meeting:** Postponed due to no town action and public opposition. The neighborhood was concerned with dogs barking, and the land use affecting their property values.

**TOWN:** Approved with a number of conditions on the small animal operation and the large animal operation. Staff incorporated the conditions into the attached suggested conditions.

## Proposed Conditional Use Permit # 2335

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.

Staff has prepared a list of conditions that may be used in order to meet the six standards as listed above to allow the conditional use on the property. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

### Large animal facility (keeping of livestock in the C-1 Commercial Zoning District)

1. Owner/Operator shall be responsible for instituting and complying with a nutrient (manure) management plan written to NRCS 590 standards and approved by Dane County Land Conservation.
2. One sign may be constructed for the large animal facility on the property.
3. All exterior lighting shall be directed toward the ground.
4. Land uses shall be restricted to a large animal veterinary hospital/grooming/training in an indoor facility.
5. A maximum of 4 animal units shall be outside during daylight hours and contained within the designated paddock/pasture area.
6. A public address system (PA) or outside loudspeakers are prohibited in the property.
7. Hours of operation shall be 6:30am to 6:00pm Monday through Friday, Saturday from 6:30am to 2:00pm. Emergency services may be provided 24 hours a day as needed.

### Small animal facility (kenneling and animal day care)

1. The small animal facility shall have a Dane County manure management plan.
2. Signs for the small animal facility shall be limited to the existing free-standing and wall signs.
3. All exterior lighting shall be directed toward the ground.
4. A six-foot stockade fence shall be installed around the outdoor exercise area surrounded with evergreens at least 3-foot tall and spaced 7 feet on center providing an additional sound barrier.
5. Land uses shall be restricted to a small animal veterinarian hospital. Dog and cat boarding, kennels, grooming and canine daycare is allowed in an indoor facility.
6. No dogs shall be kept outside overnight.
7. The business is limited to 36 dogs per day not including the canine patients. Excluding veterinary patients, a total of 50 small animal units shall be kept at any one time.
8. A limit of 10 dogs may go outside at a time and shall be supervised at all times.
9. A public address system (PA) or outside loudspeakers are prohibited in the property.
10. Training classes may be scheduled from 7:30am to 8:00pm, Saturday from 8:00am to 1:00pm. The classes may be indoors or outdoors, with a maximum of 12 dogs and must be handled by a one person to one dog ratio.
11. Boarding of dogs and dog patients may be taken outdoors to be relieved before their overnight boarding stay on a one handler to one dog ratio until 8:00pm.
12. Hours of operation shall be 6:30am to 6:00pm Monday through Friday, Saturday from 6:30am to 2:00pm. Emergency calls allowed on an as needed basis until 10:00pm daily.