



# Notice of Public Hearing

Zoning and Land Regulation Committee

Public Hearing: **September 26, 2017**

Petition: **Petition 11188  
CUP 02387**

Zoning Amendment:  
**M-1 Industrial District TO C-2  
Commercial District**

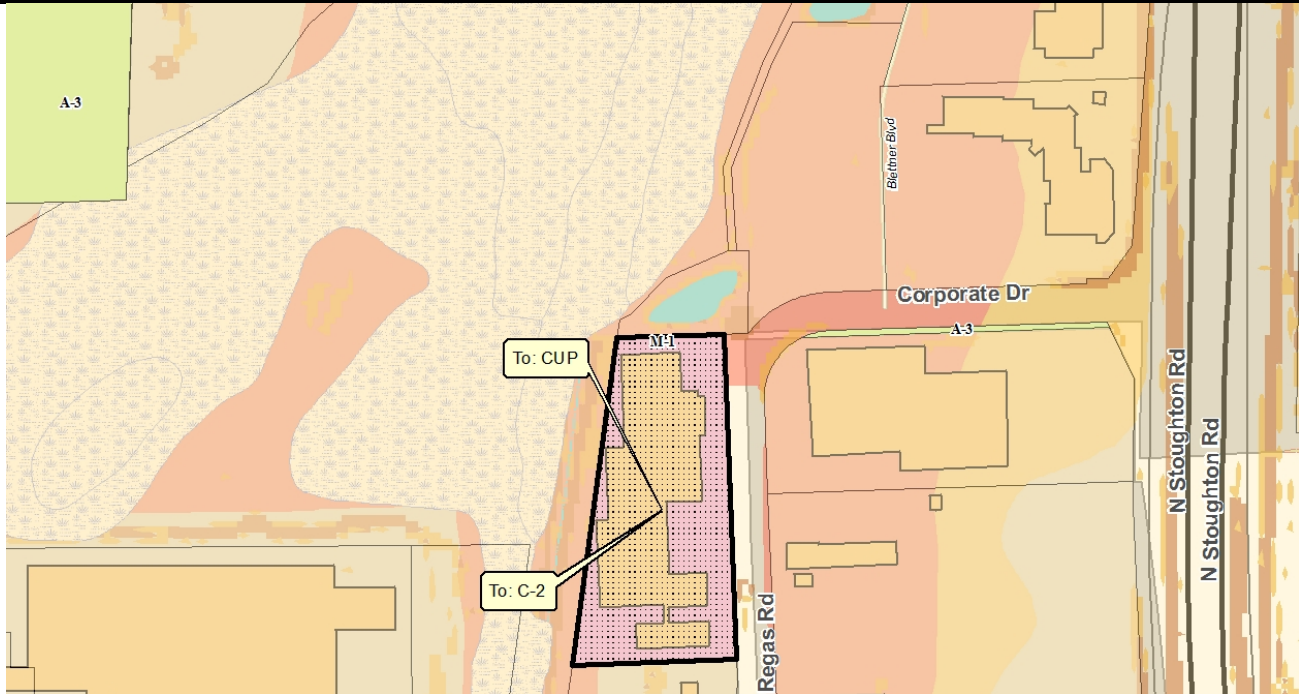
Town/sect:  
**BLOOMING GROVE,  
Section 4**

Acres: 3  
Survey Req. No

Applicant  
**REGAS COMPANY LLC**

Reason:  
**ZONING TO ALLOW CUP FOR  
KENNEL  
TO CUP: KENNEL**

Location:  
**202-206 REGAS RD**



**DESCRIPTION:** Applicant requests a rezoning from M-1 Industrial to C-2 Commercial to accommodate existing commercial uses of the property and to allow for the requested Conditional Use Permit for a dog kennel / training facility. The existing ~57,000 square foot building on the property is comprised of several units that are rented out to warehousing and distribution service businesses, as well as an automotive repair shop. The proposed kennel would be located in the ~5,000 square foot unit at the southern-most portion of the building and would replace the auto shop.

**OBSERVATIONS:** The property is located in a commercial area. Neighboring property uses include city of Madison stormwater utility (vacant 50 acre property adjoining to the north and west), Madison Metropolitan Sewerage District lift station #10 (adjoining property to the south), and US Post Office to the east across Regas Road. An intermittent stream, wetlands and hydric soils are located on the stormwater utility property to the west. No new development is proposed.

**TOWN PLAN:** The property is designated as a commercial development area in the town plan. While the town of Blooming Grove has a cooperative plan with the city of Madison, it does not appear that the proposed rezoning or conditional use will trigger city review / approval of the proposal. The property is designated as "Employment" in the city of Madison comprehensive plan.

**RESOURCE PROTECTION:** Areas of resource protection corridor associated with an intermittent stream and wetlands are located on the adjoining city of Madison stormwater property to the west.

**STAFF:** The proposal represents a "down zoning" of the property and appears consistent with town plan policies. Given the location and lack of any residences nearby, the kennel operation should not result in impacts to adjoining property. Note that the property will be attached to the city of Madison within 10 years under the town / city intergovernmental agreement. City of Madison planning staff have submitted an email expressing concerns about the range of uses that are allowed in the C-2 zoning districts and requesting that, "...the property be deed restricted so that only the kennel and pre-existing uses be allowed on the site." See attached email.

**TOWN:** Approved

## **Proposed Conditional Use Permit # 2387**

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.

1. The conditional use permit is for operation of a Dog Kennel, Boarding, and Training facility.
2. Any outdoor dog runs shall be fenced.
3. Kennel operation shall have weekly refuse service, with dog waste disposed of in accordance with any applicable state or local guidelines.