

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # CUP 02606 Dane County ZLR Committee Public Hearing Tuesday, October 24, 2023

Whereas, the Town Board of the **Town of** Middleton having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one): **APPROVED**

DENIED (IF DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

PLANNING COMMISSION VOTE: 0 **In Favor** 0 **Opposed**

TOWN BOARD VOTE: 1 **In Favor** 4 **Opposed**

Whereas, in support of its decision, the Town Board has made appropriate **findings of fact** that the standards listed in section 10.101(7) (d) 1, Dane County Code of Ordinances, and section 10.220 (1) (a), if applicable, are found to be (check one):

SATISFIED

NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):

PLEASE NOTE: The following space, and additional pages as needed, are reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Barbara Roesslein, as Town Clerk of the Town of Middleton, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Monday, October 2, 2023

Town Clerk Barbara Roesslein **Date** Monday, October 9, 2023

FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS

If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from sections 10.101 (7) (c) 2 f g and 10.101 (7) (c) 3 d e :

“The zoning committee or applicable town board must deny a permit if it finds that the standards for approval are not met, and must approve a permit when the zoning committee and applicable town board determine that the standards for approval are met.”

PLEASE INDICATE THE APPROPRIATE FINDING FOR EACH STANDARD (CHECK ONE / STANDARD)

- | | |
|---|---|
| 1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare. | 1. <input type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |
| 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. | 2. <input type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |
| 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. | 3. <input type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. | 4. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 5. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 6. That the conditional use shall conform to all applicable regulations of the district in which it is located. | 6. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 7. That the conditional use is consistent with the adopted town and county comprehensive plans. | 7. <input type="checkbox"/> SATISFIED / <input checked="" type="checkbox"/> NOT SATISFIED |
| 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). | 8. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

1.The applicants propose an essentially commercial operation. Up to 100 people per day would be bringing dogs or cats to the facility and picking them up on weekdays and the business would be open on weekends for boarding. While noise is controlled inside the facility, with many dogs being dropped off and picked up within concentrated time frames for which no noise control was proposed other than staggering pick-up and drop off times. With the proposed facility being located in a predominantly residential area, there would be a disturbance of public comfort and welfare.

2.The neighborhood is predominantly residential. Having a large commercial dog daycare and boarding operation within earshot of residences negatively impacts values and enjoyment of property in the neighborhood for the uses already permitted. As noted after the last hearing, a real estate appraiser living in the neighborhood who is familiar with local property values stated affirmatively that there would be a negative impact on home values by establishment, maintenance and operation of the conditional use.

3.The neighborhood is predominantly residential. Nearby areas currently within the Town will be incorporated into the City of Madison in the future under an intergovernmental agreement between the Town of Middleton and the City of Madison. The development of this area is anticipated to primarily accommodate residential growth. A commercial use of this property is inconsistent with the anticipated development of this area.

7.Both the Town and County comprehensive plans identify the property as being agricultural/residential in nature. Both the existing and future land use maps contemplate residential or agricultural use of this property. An animal boarding and daycare facility as proposed is more appropriately located in a commercial or industrial zoning district.