
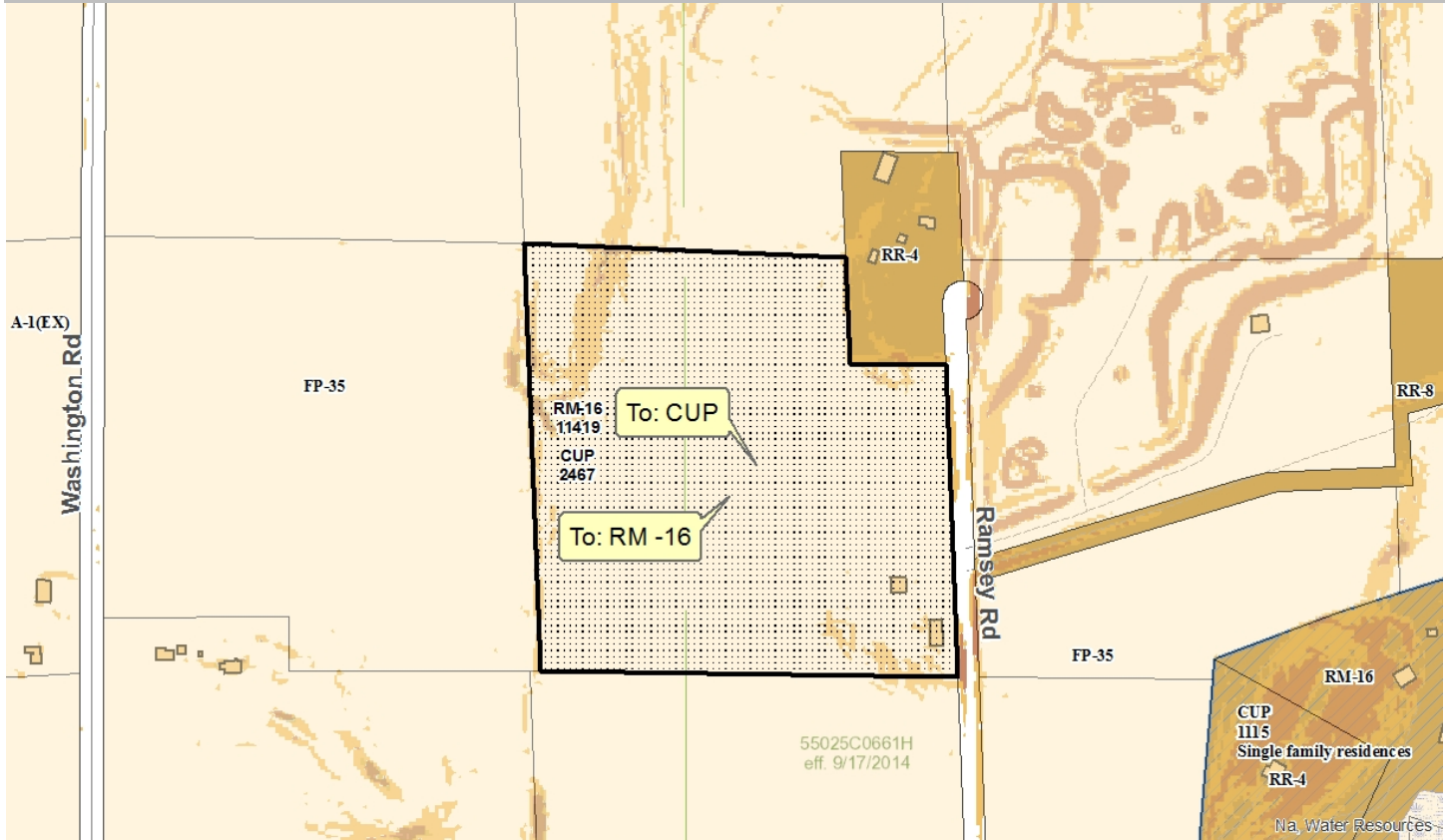


Staff Report  Zoning and Land Regulation Committee Questions? Contact: Majid Allan – 267-2536	<u>Public Hearing:</u> May 28, 2019	CUP 02467	
	<u>Zoning Amendment Requested:</u> TO CUP: DOMESTIC PET BOARDING	<u>Town/Section:</u> ALBION, Section 6	
	<u>Size:</u> 35.8 Acres	<u>Survey Required:</u> No	<u>Applicant</u> RONALD L TRACHTE
	<u>Reason for the request:</u> DOMESTIC PET BOARDING		<u>Address:</u> 1397 RAMSEY ROAD



CONDITIONAL USE PERMIT REQUEST SUMMARY: Applicant requests approval of a Conditional Use Permit to allow operation of a domestic pet boarding (dogs) and grooming business in the RM-16 (Rural Mixed Use) district. The applicant is proposing to rezone the property to RM-16 under related petition #11419. The proposed boarding / grooming business would employ a total of 4-5 employees and be run out of a planned new building. The facility would include 19 pet “suites” (rooms), featuring floor to ceiling walls with noise minimizing materials, TV / visual stimulation, and access to exterior, fenced outdoor exercise space. All outdoor dog areas would be fenced. Proposed hours of operation would be 8am-6pm Monday through Friday; 8am-10am Saturday (boarding drop off only), 8am-9am, and 4-5pm Sunday (boarding drop off only). The grooming operation would be by appointment only.

CONDITIONAL USE PERMIT PROCESS: Conditional uses are those uses which, because of their unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review. The zoning ordinance includes specific requirements and standards for review and approval of conditional use permits.

In order to obtain a Conditional Use Permit, an applicant must provide **substantial evidence** to demonstrate that the application, and all requirements and conditions established by the county relating to the conditional use, are or shall be satisfied. Substantial evidence means, “*facts and information, other than merely personal preferences or speculation,*

directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.”

Prior to granting or denying a conditional use, the zoning committee shall make written findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the following standards:

- General standards for approval of a conditional use under s. 10.101(7)(d)
- Any prescribed standards specific to the applicable zoning district
- Any prescribed standards specific to the particular use under s. 10.103

The zoning committee must deny a conditional use permit if it finds that the standards for approval are not met, and must approve if it finds that the standards for approval are met. The decision to approve or deny a conditional use permit must be supported by substantial evidence. Any conditions imposed must be based on substantial evidence, related to the purpose of the ordinance, reasonable, and, to the extent practicable, measurable.

As indicated above, many conditional uses are subject to prescribed standards found in section 10.103 of the ordinance. At a minimum, the zoning committee must find that all the following general standards for approval are met for the proposed conditional use:

- a. 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;
- b. 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;
- c. 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;
- d. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
- e. 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;
- f. That the conditional use shall conform to all applicable regulations of the district in which it is located.
- g. That the conditional use is consistent with the adopted town and county comprehensive plans.
- h. 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).

RELEVANT FACTS & INFORMATION

Location, size, existing use and characteristics of subject property: The property is located at 1397 Ramsey Road in section 6 in the northwestern-most portion of the town of Albion and totals approximately 36 acres. Existing uses of the property include rural residential (~.5 acres), forest (~1.5 acres), and cropland / agriculture (~34 acres). The property consists of gently rolling topography with no significant environmental features.

Current zoning and applicable district regulations: Current zoning is FP-35 (General Farmland Preservation). Application has been made to rezone the property to RM-16 (Rural Mixed Use) under petition #11419. The RM-16 district is intended to accommodate uses which may require larger setbacks, buffers, or other siting standards to minimize conflicts with neighboring agriculture or residential uses. Uses in the district may generate moderate traffic, noise, dust, or odors. Domestic pet boarding is listed as a conditional use in the RM-16 district. Minimum lot size is 16 acres; minimum side yard setback is 10' and total of at least 25' from both side lot lines; minimum rear yard setback is 50'; minimum front yard setback is 63' from centerline or 30' from right-of-way line, whichever is greater.

Surrounding land uses / neighborhood: Surrounding land uses include agriculture / open space, scattered rural residences, and an active mineral extraction operation (Ramsey Pit). The closest residence is located approximately 1,100 feet from the proposed new boarding facility. There are 7 residences located within 1,100-2,000+ feet.

Utilities, access, drainage, and other necessary site improvements: Applicant has submitted documents showing a planned new building to house the dog boarding / grooming facility, including fenced outdoor exercise areas. According to applicant's site plan, the new building will be located northwest of the residence, approximately 256' north of the southern property boundary and 150' west of the Ramsey Road right of way. Per requirements of the zoning code, minimum parking requirements are 1.3 spaces / employee, and 1 space per 1,000 square feet (not including outdoor areas), or a total of up to 9 spaces based on information provided by the applicant. Applicant's site plan shows a total of 11 spaces. Access would be to Ramsey Road via the existing residential driveway. Trash and dog waste removal would be provided by a private waste management company (Pellitteri).

Applicable additional standards: Per 10.103(5), the following requirements apply to domestic pet boarding facilities:

- (a) Use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.
- (b) Each animal shall be provided with an indoor containment area if the use is located within 500 feet of an existing residence or any lot in the Single Family Residential, Two-Family Residential, Multi-Family Residential, Rural Residential or Hamlet districts.
- (c) Each animal shall be provided with adequate exercise space.
- (d) Applicant shall submit a manure management plan.
- (e) At their discretion, and where necessary to minimize impacts to neighboring properties, the town board and zoning committee may:
 1. impose noise limits under s. 10.102(6),
 2. require visual screening, consistent with s. 10.102(12), and/or;
 3. establish hours where animals must be kept indoors.
- (f) The committee and town board will impose limits on the total number of animals that may be present at any one time, as appropriate to the site and neighboring land uses.

Comprehensive plan designation: The property is located in the town's agricultural preservation area.

STAFF ANALYSIS: The primary concern associated with dog boarding facilities is noise. Applicant proposes to address noise concerns by insulating the walls of the boarding facility with "noise minimizing materials" and limiting outdoor access to daytime and early evening hours only. In addition, the applicant states that outdoor activities will be "weather and dog guest temperament dependent", and that dogs who "display excessive vocalizing or disruptive behavior" will be walked individually outside. Based on these plans by the applicant, the property characteristics, including its relatively secluded location and presence of natural screening along property boundaries, and the fact that the boarding facility would be located over 1000' from the closest neighboring residence, should serve to limit the potential for negative impacts to neighbors. The proposal appears reasonably consistent with town plan policies which support the establishment and retention of small family businesses compatible with the rural character of the town.

Staff believes that the applicant has submitted substantial evidence in the form of detailed information and plans for operation of the use and that, with appropriately crafted conditions of approval, the proposal will satisfy the applicable standards for approval of a conditional use permit for a domestic pet boarding facility.

Staff has prepared the following list of conditions based on substantial evidence and which may be applied to ensure the use meets the applicable standards for approval and the purposes of the ordinance. These conditions are in addition to the standard conditions of approval applicable to all conditional use permits and found in section 10.101(7)(d)2 of the Dane County Zoning Ordinance. 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 shall be for a domestic pet boarding and grooming facility.
2. The facility and business shall comply with the site plan and operations plan (application narrative), as submitted.

3. All applicable standard conditions found in section 10.101(7)(d)2a.
https://plandev.countyofdane.com/documents/pdf/CompZoningRevision/Ordinance_Text/Chapter_10_Revised.pdf#page=67
4. All standards for operation of a domestic pet boarding facility found in 10.103(5).
 - a. The use shall be enclosed by a fence or other suitable enclosure to prevent animals from leaving the site.
 - b. Each animal shall be provided with an indoor containment area. Indoor suites / rooms shall be insulated with noise minimizing materials.
 - c. Each animal shall be provided with adequate exercise space. Outdoor exercise spaces shall be fenced.
 - d. Applicant shall dispose of animal waste in a designated receptacle to be removed from the property weekly by a licensed sanitary business.
 - e. Dogs shall be kept inside between the hours of 9:00pm and 6:00am.
 - f. The total number of animals present at any one time on the property shall not exceed 40.
5. Any future expansion of the site or operation shall require an amendment to this CUP and approval by the town of Albion.

TOWN: Approved with the following condition: "Any future expansion of the site needs Town of Albion Town Board approval" (this condition has been incorporated in the staff recommendations, above).