

**TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT**

Regarding Petition # CUP 2599 Dane County ZLR Committee Public Hearing Tuesday, July 25, 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:**                      3 **In Favor**                      2 **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, July 10, 2023

**Town Clerk** Barbara Roesslein                      **Date** Thursday, July 13, 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 type="checkbox"/> SATISFIED / <input checked="" 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 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 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 type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED            |

## THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS:

1. The applicants propose to have as many as 15 dogs outside consistently with a single employee being responsible for the dogs between the hours of 8:00 a.m. and 5:00 p.m. There was no proposal for handling numerous dogs barking at the same time throughout the day. The proposed facility is located close to several residential neighborhoods, all of which would be disturbed by incessant barking, and which would be detrimental to the public health, safety, comfort or welfare.
2. The neighborhood is predominately residential. Having a large commercial dog day care and boarding operation within earshot of the residential area uses, negatively impacts values and enjoyment of other property in the neighborhood for purposes already permitted. A real estate appraiser living in the neighborhood and familiar with local property values stated affirmatively that there would be a negative impact on home values by establishment, maintenance or operation of the conditional use.
- 3/4. The neighborhood is predominantly residential and 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. There will be significant dog refuse generated on the property. The proposed plan contemplates the removal of dog refuse twice a week. Dog refuse in large quantities may have an adverse environmental impact and drainage is a concern. Substantial evidence was not presented to the Board by the applicant to allay concerns about the environmental impact of dog waste.
7. The Town and County comprehensive plans identify the property as being agricultural/residential in nature. An animal boarding and daycare facility of the scope proposed is more commercial than agricultural or residential and is more appropriately sited in an industrial or commercial area.