

STAFF REPORT

Application:	Request for conditional use permit for the operation of a dog boarding business in an A-1 zoning district.
Applicant:	Nicholas Molitor
Property Owner	Toby Molitor Trust
Agenda Item:	4(a)

Background Information:

- **Proposal:** Molitors are requesting a conditional use permit from Glenwood Township that would allow the operation of a dog boarding facility with an added structure and a play area. An area of 3.75 acres would be subdivided from the 12 acre Toby Molitor property for the boarding operation that would have a new access from 185th Avenue, a Township Road. The applicant, Nicholas Molitor, has provided a site plan survey and a description of the dog boarding business and its operation. In the Township ordinance this is defined as an animal boarding kennel. The site is zoned Non-Intensive Agricultural (A-1).

The proposal is to add a 50' x 60' building that would have the capacity to board up to 20 dogs. Adjoining this structure is a 80' x 90' play area, fenced in for privacy. The Molitor proposal with the Town road access is shown on the attached site plan survey. The applicant has stated the survey of the subdivided site will likely be adjusted to a location approximately 50 feet to the north of what is shown.

As a storage and boarding facility to be used for commercial purposes, this application and the proposed kennel operation will need Planning Commission review and a recommendation relative to the standards to be met for a conditional use permit. The site plan has been reviewed by staff and meets required Township setbacks and other zoning ordinance requirements.

The applicant has indicated that measures are proposed to mitigate the noise from barking dogs and to ensure that all animals kept are appropriately vaccinated and safe.

Pope County is also reviewing the Molitor request for a County conditional use permit to be considered in April. If the CUP requests are approved by both County and Township, the County will process the subdivision and issue the building permits.

A site visit has been scheduled.

- **Location:**
 - Property address: 18919 200th Street
 - Sec/Twp/Range: 28-125-37
 - Parcel number(s): 09-0415-000
- **Zoning:** General Agricultural (A1)
- **Project Area:** Approx. 11.9 acres.
- **Natural Features:**
 - Bluff/Steep Slopes: The site is relatively level, does not contain a bluff or steep slopes.

- Wetlands: There do not appear to be any wetlands that would impact this proposal.

Planning Commission Direction: The Planning Commission may approve the request, deny the request(s), or table the request(s) if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

Staff Comments:

- 1) In order to grant a conditional use, the Township needs to find that a property owner has met the criteria established in the Township Ordinance (state law does not identify any required criteria for conditional use permits and leaves that up to local governments). In making its decision, the Township will need to state its "findings of fact" indicating why those criteria have been met or not met and as such, why the conditional use request should be approved or denied. If approved, the Township may attach conditions to the approval as may be necessary to protect the best interest of the surrounding area or the community as a whole.
- 2) The merits of allowing a conditional use permit for a dog kennel should be considered along with any conditions deemed applicable.

Staff Recommendation:

Staff recommends approval of the conditional use permit if it is determined that noise from barking dogs and other impacts are appropriately mitigated. If approved, consideration may be given to adding conditions to assure the boarding operation and its impacts are appropriately managed.

Applicable Statutes/Ordinance: See Appendix A

Findings of Fact (Conditional Use): The following findings of fact that would support either approval or denial of the conditional use permit are presented by Staff for consideration:

- 1) **The proposed use will not create an excessive burden on existing parks, schools, roads, and other public facilities and utilities which serve or are proposed to serve the area.**

Findings Supporting Approval

The proposed use would not appear to result in a significant added impact on public facilities and utilities. There are no parks, recreation areas or schools in the nearby vicinity of the expansion area. The proposed facility usage is within the available capacity of public utilities.

Findings Supporting Denial

The dog boarding operation at the site will bring increased traffic and will impact public roads and facilities.

- 2) **The proposed use shall be compatible or separated by distance or screening from adjacent agriculturally or residentially zoned or used land so that existing property will not be depreciated in value and there will be no deterrence to development of vacant land.**

Findings Supporting Approval

This usage proposed for this site will not depreciate nearby properties or deter the potential for nearby development. Spruce trees will be planted to screen the site and noise levels from nearby properties. The operation will not be a deterrent to the development of nearby vacant properties.

Findings Supporting Denial

There are homes and properties that are near the project area that are not sufficiently screened and will be impacted from the boarding facility operations.

3) The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.

Findings Supporting Approval

The new usage of the site will not significantly alter the appearance of this agricultural area and will not adversely impact nearby properties.

Findings Supporting Denial

The added usage with the dog kennel and the associated increase in activity, noise and traffic will adversely affect the nearby area.

4) The proposed use is reasonably related to the existing land use.

Findings Supporting Approval

The new usage and the added structures as proposed are reasonably related to the existing agricultural usage.

Findings Supporting Denial

Impacts on the nearby homes and other usage with the increased activity and the dog noise are not sufficiently mitigated.

5) The proposed use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Findings Supporting Approval

The zoning ordinance allows for commercial operations as a conditional use in agriculturally zoned areas. The usage proposed is consistent with this purpose.

Findings Supporting Denial

The zoning ordinance does not specifically address this type of usage.

6) The proposed use is not in conflict with the Land Use Plan of the Town.

Findings Supporting Approval

The proposed dog boarding facility and usage is not in conflict with the policies and goals of the Township's 2021 land use plan which includes opportunities for a mix of allowable uses when planned carefully and responsibly.

Findings Supporting Denial

The usage is not consistent with goal of the Land Use Plan to maintain agricultural use and control development.

7) The proposed use will not cause traffic hazards or congestion.

Findings Supporting Approval

The added road usage and traffic in and out of the facility will be managed so as not to cause congestion, safety concerns or other adverse traffic impacts.

Findings Supporting Denial

The increased traffic associated with the proposed new usage may result in hazardous traffic conditions for those that use the site and for other public road users.