



## PLANNING DIVISION STAFF REPORT

October 5, 2020

PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1018-1034 Walsh Road (15<sup>th</sup> Aldermanic District – Ald. Foster)  
**Application Type:** Conditional Use  
**Legistar File ID #:** [61819](#)  
**Prepared By:** Sydney Prusak, AICP, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

### Summary

**Applicant, Contact, & Property Owner:** Steven Ritzer; Boneyard Productions, LLC; 5812 Bridge Road; Monona, WI 53716

**Requested Action:** Approval of a conditional use for indoor and outdoor recreation with incidental alcohol sales in the Industrial Limited (IL) Zoning District to allow construction of a private dog park at 1018-1034 Walsh Road.

**Proposal Summary:** The applicant proposes to establish a private dog park with incidental alcohol sales. As part of this development, the applicant will construct a 2,400 square-foot building with a bar and outdoor seating area.

**Applicable Regulations & Standards:** This proposal is subject to the Conditional Use Approval Standards [MGO §28.183(6)].

**Review Required By:** Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the Conditional Use Standards are met and **approve** the request to allow indoor and outdoor recreation with incidental alcohol sales at 1018-1034 Walsh Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### Background Information

**Parcel Location:** The 81,924 square-foot (approximately 1.88-acre) subject site is comprised of two parcels (1018 and 1034 Walsh Road). The subject site is located at the southwest corner of the Walsh Road and Sycamore Avenue intersection. It is located within Aldermanic District 15 (Ald. Foster) as well as the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The property is currently vacant. In 2014, the Plan Commission approved a demolition permit to allow the demolition of an auto service station and auto storage facility at 1034 Walsh Road. The properties are zoned Industrial Limited (IL).

#### Surrounding Land Use and Zoning:

**North:** Across Sycamore Avenue are industrial and manufacturing uses, zoned Industrial Limited (IL), with the Wisconsin Southern Railroad Line and a City stormwater facility, zoned Conservancy (CN) District beyond.

**East:** A variety of commercial and light industrial uses, zoned IL;

**South:** A warehouse use, zoned IL; and

**West:** Starkweather Creek stormwater facility, zoned CN.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2018\)](#) recommends Industrial uses for the subject site. The [East Towne - Burke Heights Neighborhood Development Plan \(1987\)](#), amended in 2007, recommends Commercial uses for the northern portion of the site and Industrial uses for the southern portion.

**Zoning Summary:** The property is zoned Industrial Limited (IL).

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	81,942 sq. ft.
Lot Width	75'	184'
Front Yard Setback	None	50'
Side Yard Setback	10'	85'
Rear Yard Setback	30'	89'
Maximum Lot Coverage	75%	13%
Minimum Building Height	None	27'

Site Design	Required	Proposed
Number of Parking Stalls	No minimum required	23
Accessible Stalls	1	1
Loading	No	No
Number Bike Parking Stalls	5% of indoor capacity	4 (20)
Landscaping and Screening	Yes	Yes (19)
Lighting	Not required	None (21)
Building Forms	Yes	Industrial

<b>Other Critical Zoning Items:</b>	Floodplain; Utility Easements
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*Table Prepared Jacob Moskowitz, Assistant Zoning Administrator*

**Environmental Corridor Status:** While subject site is not located in a mapped environmental corridor, the property immediately to the west is located in the Starkweather Creek Environmental Corridor.

**Public Utilities and Services:** This property is served by a full range of urban services, with close proximity to Metro Transit Route #30.

## **Project Description, Analysis, and Conclusion**

The applicant, Boneyard Productions, LLC, proposes to establish an indoor and outdoor recreation use, with incidental alcohol sales, in order to establish a private dog park with a bar and outdoor seating area. According to the submitted materials, the applicant proposes to convert the majority of the northern portion of the site into an outdoor off-leash dog play area, which will be fenced in with a six foot tall black metal fence. The applicant intends to develop the southern portion of the site with a parking lot and 2,400 square foot building with a small

bar and outdoor patio. In regards to the site operations, the applicant indicated that the dogs will be required to be on leash inside the building and on a portion of the patio. A list of "Dog Rules" is included in the letter of intent.

The proposed hours of operation are Monday through Friday 3:00 PM to 10:00 PM and Saturday and Sunday 8:00 AM to 10:00 PM. Live music will occur occasionally on site as well as other events to encourage human and canine friendships.

In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the Conditional Use Standards of MGO §28.183(6) are met.

The [Comprehensive Plan \(2018\)](#) recommends Industrial uses for the subject site. Furthermore, the [East Towne - Burke Heights Neighborhood Development Plan \(1987\)](#), amended in 2007, recommends Commercial uses for the northern portion of the site and Industrial uses for the southern portion. While, the proposed use is not an Industrial nor a traditional Commercial use, staff does not believe that the establishment of a dog park will preclude the site from redeveloping in accordance to adopted plans in the future.

The Planning Division believes that the Conditional Use Approval Standards can be found met. Approval Standard #1 states, "The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare." When the former auto service station and auto service facility was proposed for demolition in 2014, the Planning Division report noted that "much of the existing impervious surface on the site would need to remain in place, as per DNR regulations, since it is serving as a 'cap' to prevent further infiltration of underground pollutants from the auto-repair facility." As such, the Planning Division added the following condition of approval:

1. Final plans submitted for staff review and approval shall include a copy of the site plan showing details of the proposed condition following demolition. On the site plan, the proposed groundcover shall be clearly identified for all parts of the site.

In keeping with this condition, and Approval Standard #1, the Engineering Division will require that the applicant act in accordance with all of the DNR regulations and continuing obligations for the subject site. Prior to final sign-off, the applicant shall submit any necessary correspondence with the DNR to the Engineering Division.

Furthermore, Conditional Use Approval Standard #3 states, "The uses, values, and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner." The Planning Division believes that this standard can be found met. Staff notes that all the surrounding properties are either zoned for Industrial, Conservancy, or Commercial uses and the nearest residential property is over 800 feet from the subject site. Therefore, staff does not believe that the establishment of a dog park will substantially impact the adjacent uses.

Lastly, Conditional Use Standard #4 states, "The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district." As previously stated, the proposed use is neither an industrial, a manufacturing, nor a traditional commercial use like the neighboring properties. However, staff does not believe that the establishment of a private dog park will preclude redevelopment of the property in the future given the minimal site improvements proposed.

Therefore, the Planning Division believes that all the Conditional Use Standards can be found met. At the time of report writing, staff did not receive any public comment on this request.

## Recommendation

### Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the Conditional Use Standards are met and **approve** the request to allow indoor recreation and outdoor recreation, with incidental alcohol sales, on a property zoned Industrial Limited (IL) District. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

### Engineering Division (Contact Brenda Stanley, (608) 261-9127)

1. Because of the proximity of Starkweather Creek water quality devices will be required for discharge of the parking lot to the creek. Provide a plan for pet waste clean up prior to discharge to the creek.
2. Obtain a permit to Excavate in the Right-of-Way for completing the improvements in the public Right-of-Way. The permit application is available on the City Engineering Division website at <http://www.cityofmadison.com/engineering/Permits.cfm>. As a condition of the permit a deposit to cover estimated City expenses will be required.
3. Obtain a permit to Excavate in the Right-of-Way for the connection and/or installation of utilities required to serve this project, and for the discharge of the storm sewer to Starkweather Creek. The improvements shall comply with all the conditions of the permit. This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO 10.05(6)), MGO 35.02(4)(c)(2)), and MGO 37.05(7)
4. Obtain a permanent sewer plug permit for each existing sanitary sewer lateral serving a property that is not to be reused and a temporary sewer plug permit for each sewer lateral that is to be reused by the development. The procedures and fee schedule is available online at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
5. An Erosion Control Permit is required for this project. See Storm comments for permit specific details and requirements.
6. A Storm Water Maintenance Agreement (SWMA) is required for this project. See Storm comments for agreement specific details and requirements.
7. Per the WDNR closure letter, this property was closed with residual soil contamination (BRRTS 02-13-562364 ZIEGLER PROPERTY). Written approval from the WDNR is required prior to disturbing the existing barrier cap. Submit copy of WDNR approval letter to Brynn Bemis (608.267.1986, [bbemis@cityofmadison.com](mailto:bbemis@cityofmadison.com)).
8. This project falls in the area subject to increased erosion control enforcement as authorized by the fact that it is in a TMDL ZONE and therefore will be regulated to meet a higher standard.
9. This project will disturb 20,000 sf or more of land area and require an Erosion Control Plan. Please submit

an 11" x 17" copy of an erosion control plan (pdf electronic copy preferred) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. Demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. Include Universal Soil Loss Equation (USLE) computations for the construction period with the erosion control plan. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year. The WDNR provided workbook to compute USLE rates can be found online at <https://dnr.wi.gov/topic/stormwater/publications.html>. Complete weekly self-inspection of the erosion control practices and post these inspections to the City of Madison website - as required by Chapter 37 of the Madison General Ordinances.

10. Submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division that is to scale and represents final construction with any private storm and sanitary sewer utilities.
11. Submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: bstanley@cityofmadison.com (East) or ttroester@cityofmadison.com (West).

**Engineering Division - Mapping Section** (Contact Jeff Quamme, (608) 266-4097)

12. Vol 761, Page 192 of Deeds (Doc No 1077801) per the C & H Plat is not correct and is in error. The easement has been determined to be Doc No. 962033 and has been released by Doc No 5218819. The note shall be updated accordingly.
13. Show and label the area conveyed for street purposes per Doc No 2919475 adjacent to the northeast corner of the site. Also due to the conveyance the length of the north line of the site is approximately 124.53 feet and not 145.49 feet.

**Traffic Engineering** (Contact Sean Malloy, 266-5987)

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| 14. All existing driveway approaches on which are to be abandoned shall be removed and replaced with curb and gutter and noted on the plan. |
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15. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be to engineering scale and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
  16. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.

17. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
18. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
13. All bicycle parking adjacent pedestrian walkways shall have a 2 foot buffer zone to accommodate irregularly parked bicycles and/or bicycle trailers.
14. All pedestrian walkways adjacent parking stalls shall be 7 feet wide to accommodate vehicle overhang, signage and impediments to walkway movements. Any request for variance shall be submitted to and reviewed by City Traffic Engineering.
15. "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
16. The applicant shall show the dimensions for the proposed class III driveway including the width of the drive entrance, width of the flares, and width of the curb cut.
17. Secure parking facility. This is usually done with continuous six (6) inch curb, timbers, preformed wheel stops, guardrail erected at a height of eighteen (18) inches or fencing of sufficient strength to act as a vehicle bumper.

**Zoning** (Contact Jacob Moskowitz, (608) 266-4560)

18. Submit a detail of the trash enclosure. The trash enclosure shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
19. Submit the landscape plan and landscape worksheet stamped by a registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
20. Bicycle parking for the project shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of 5% of indoor capacity in short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance.
21. Lighting is not required. However, if it is provided, it must comply with City of Madison General Ordinances Section 10.085 outdoor lighting standards.

**Water Utility** (Contact Jeff Belshaw, (608) 261-9835)

22. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumbers-contractors>), otherwise they may

be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.