



PLANNING DIVISION STAFF REPORT

February 5, 2018

PREPARED FOR THE PLAN COMMISSION

Project Address: 1201 N. Sherman Avenue (District 12 - Ald. Palm)
Application Type: Conditional Use
Legistar File ID # [49914](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Jennifer StCyr; Dog Dog Daycare; 3113 Hermina Street; Madison, WI 53714
Property Owner: Northgate Ventures LLC; 345 W. Washington Avenue #301; Madison, WI 53703

Requested Action: The applicant requests conditional use approval to establish an animal day care in an existing multi-tenant building within the CC-T (Commercial Corridor – Transitional) zoning district.

Proposal Summary: The applicant proposes to establish an animal day care, with a café and retail shop, within an existing multi-tenant building. The applicant is also proposing a fenced dog run in the rear of the site.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as an *animal day care* is a conditional use in CC-T zoning. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for a Conditional Use are met and **approve** the request for an animal day care in a multi-tenant building in CC-T (Commercial Corridor - Transitional) zoning at 1201 N. Sherman Avenue. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The project site is located on the east side of N. Sherman Avenue between Roth Street and Aberg Avenue. It is in Aldermanic District 16 (Ald. Palm) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The proposed animal day care is in a roughly 5,000 square-foot space, within a 97,726 square-foot multi-tenant building. According to the City Assessor's Office, the total subject site is 244,047 square-feet (5.60 acres).

Surrounding Land Use and Zoning:

North: A variety of commercial uses, zoned Commercial Corridor - Transitional (CC-T) with low density residential, zoned Traditional Residential – Consistent District 4 (TR-C4) and medium density residential, zoned Traditional Residential – Varied 1 (TR-V1) beyond;

South: A variety of commercial uses, zoned CC-T and the former Oscar Meyer site, zoned IG (Industrial General) with industrial and commercial uses beyond, zoned IL (Industrial Limited);

East: Single and multi-family residential, zoned CC-T, with a variety of industrial uses, zoned IL and the former Oscar Meyer site, zoned IG beyond; and

West: An apartment complex, zoned PD (Planned Development), with the Village of Maple Bluff Beyond.

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends Community Mixed Use (CMU) for the subject site. The site falls within the boundaries of both the [Emerson East-Eken Park-Yahara Neighborhood Plan \(2016\)](#) and the [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#), with the later Plan providing more detailed recommendations for the site. The [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#) includes the subject property in a targeted mixed-use and transit-oriented redevelopment area.

Zoning Summary: The project site is currently zoned Commercial Corridor – Transitional (CC-T).

Requirements	Required	Proposed
Front Yard Setback	None	Adequate
Side Yard Setback	None unless needed for access	Existing side yard
Rear Yard Setback	Lesser of 20% lot depth or 20'	Existing rear yard
Maximum Lot Coverage	85%	Existing lot coverage
Maximum Building Height	5 stories/68'	1 story existing building
Number Parking Stalls	Restaurant: 15% of capacity of persons (TBD)	Existing parking stalls
Accessible Stalls	Yes	Existing accessible stalls
Loading	Not required	None
Number Bike Parking Stalls	Restaurant: 5% of capacity of persons (TBD) Animal daycare: 1 per 5,000 sq. ft. floor area (2 minimum)	Existing bike stalls (4)
Landscaping and Screening	Not required	Existing landscaping (5)(6)
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building
Other Critical Zoning Items		
Yes:	Urban Design (Planned Multi-Use Site), Barrier Free (ILHR 69), Utility Easements	
No:	Historic District, Floodplain, Adjacent to Park, Wetlands, Wellhead Protection District	

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

Public Utilities and Services: This property is served by a full range of urban services, with multiple Metro Transit routes running along the site.

Project Description

The applicant, Dog Dog Daycare, proposes to establish an animal day care in an existing multi-tenant commercial building. Per the Zoning Code, this is considered a conditional use in the CC-T (Commercial Corridor - Transitional) zoning district. According to the Zoning Code, an animal day care is an establishment that provides care of dogs and other domestic pets for periods of less than twelve (12) hours a day. The applicant also proposes to establish a café within the space, which is a permitted use in CC-T zoning.

The subject site is located within the Northgate Shopping Center and the animal day care and café would occupy a 4,998 square-foot tenant space. There are an assortment of uses in the existing building including Anytime

Fitness, The UPS Store, and the Dane County Job Center. The applicant has indicated that the café area would be separate from the dog play areas and that no dogs would be allowed in the café, and no food from the café would be allowed in the dog play area.

In keeping with the supplemental regulations for animal day cares, at the time of permit application, applicants shall submit written operating procedures such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures, which shall be followed for the life of the business, must address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking. The applicant has provided the necessary written operating procedures, and they are included in this application as Attachment 1. Staff believes that these operating procedures meet the Zoning Code application requirements.

The proposed facility would provide animal day care services between the hours of 6:00 am and 6:00 pm Monday through Friday. The applicant has indicated, that in the future, the business may offer dog training classes on the weekends. According to the Letter of Intent, dogs would be divided into three main groups of large dogs, small dogs, and less active dogs as recommended by the International Boarding & Pet Services Association. From these larger groups the dogs would be divided into play groups based on personality and activity level. Additionally, all animal waste from the facility will be collected by an animal waste removal service.

The applicant has proposed a 90 square-foot outdoor dog run in the rear of the site. As proposed, the dog run fence would be constructed of paneled PVC material for cleanup purposes and to minimize the visual stimuli to reduce barking. The UDC Secretary has reviewed this request as allowed under MGO §33.24(g)2 and recommends approval of the proposed fence.

Project Analysis and Conclusion

This proposal is subject to the approval standards for conditional uses. 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 Planning Division believes that the proposed use is consistent with the recommendations in the [Comprehensive Plan \(2006\)](#). The [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#) lists the subject site as a potential transit-oriented, mixed-use redevelopment area. While the proposed use is not a complete redevelopment of the site, because the animal day care would occupy a vacant tenant space in an existing shopping center, Staff believes that this proposal would not inhibit future redevelopment of the subject area.

According to Table 28D-2 in Section 28.061 of the Zoning Code, animal day cares are a conditional use within the Commercial Corridor – Transitional (CC-T) zoning districts and must adhere to supplemental regulations requiring written operating procedures. The applicant has provided this information with their application, and the Planning Division believes that these supplemental regulations have been met.

Conditional Use Approval Standard #3 states that in order to approve a conditional use, the Plan Commission must find "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." As proposed, the dog run is located in the rear of the site and fronts residential properties along Ruskin Street. Due to this close proximity, careful consideration should be given to mitigating potential impacts. The dog run will have paneled fencing to screen the area and minimize outside stimulation, which is intended to reduce barking. The fence would be six (6) feet tall and would enclose a 90 square-foot dog run. As proposed, there would be no more than 10 dogs outside at a time. The applicant has indicated that this run would only be used for dogs to relieve themselves, and the dogs will always be under employee supervision. The applicant has ensured that all solid waste will be picked up

immediately and cleaned and sanitized daily. Given these accommodations, Staff believes that this standard can be found met.

If approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO §28.183(9)(d). At the time of report writing, staff was not aware of any neighborhood concerns on this request.

The Planning Division believes that the proposed animal day care at 1201 N. Sherman Avenue can meet the standards of approval for a conditional use.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the approval standards for a Conditional Use are met and **approve** the request for an animal day care in a multi-tenant building in CC-T (Commercial Corridor – Transitional) district zoning at 1201 N. Sherman Avenue. This request is subject to the input at the public hearing and the conditions recommended by other reviewing agencies.

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

Engineering Division - Main Office (Contact Brenda Stanley, (608) 231-9127)

1. Less than 4,000 sf disturbed area, no Erosion Control or Storm Water Management Permits required.

Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

2. Applicant shall be aware that Madison Gas and Electric has an easement per Document No 2376853 for underground electric in the vicinity of the proposed dog run. Fencing is prohibited by the easement unless consent is obtained from Madison Gas and Electric. The applicant is solely responsible to obtain the required consent.

3. The site plan shall show the dog run as proposed along the rear of the building

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

The agency reviewed this request and has recommended no conditions of approval.

Zoning (Contact Jenny Kirchgatter, (608) 266-4569)

4. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). A minimum of two (2) short-term bicycle parking stalls are required for the animal daycare and bicycle parking stalls equal to 5% of the capacity of persons are required for the cafe. Bicycle parking shall be located in a convenient and visible area on a paved or impervious surface at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Existing bicycle stalls are located within 100 feet of the entrance. Identify and label the existing bicycle parking areas on the site plan and note the number of bicycle stalls or racks.
5. Provide details of the proposed outdoor dog run fenced enclosure, including the distance in relation to the

property line, fence height, and construction material.

6. Show the refuse disposal area on the site plan or floor plan. All developments, except single family and two family developments, shall provide a refuse disposal area. If the refuse disposal area is located outside the building, it 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. Submit a detail of the trash enclosure if provided outside the building.
7. Written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC) are required for the animal daycare. Such procedures, which shall be followed for the life of the business, must address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking. The written operating procedures have been submitted by the applicant and reviewed by Zoning staff. A copy of the procedures will be placed on file for the proposed animal daycare.
8. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.
9. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact William Sullivan, (608) 261-4289)

10. Extend the building fire sprinkler system into this space if it has not already been completed.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

The agency reviewed this request and has recommended no conditions of approval.

Parks/Forestry (Contact Janet Schmidt, (608) 261-9688)

The agency reviewed this request and has recommended no conditions of approval.