

PLANNING DIVISION STAFF REPORT

July 24, 2023



PREPARED FOR THE PLAN COMMISSION

Project Address: 5132 Voges Road (District 16 – Alder Currie)
Application Type: Conditional Use
Legistar File ID # [78422](#)
Prepared By: Colin Punt, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Dana Larson; Earth Origin Construction, LLC; 5989 North Shore Dr; Eau Claire, WI 54703

Owner: Dane County Humane Society; 5132 Voges Rd; Madison, WI 53718

Requested Action: The applicant is seeking approval of a conditional use for an animal shelter to construct an additional building for animal sheltering per §28.082(1), MGO.

Proposal Summary: The applicant is seeking approvals to build a raptor shelter at the Dane County Humane Society and establish the conditional use approval for the animal shelter use.

Applicable Regulations & Standards: Standards for conditional use approval are found in §28.183(6) MGO.

Review Required By: Plan Commission

Summary Recommendations: The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met for 5132 Voges Road, subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning on page 4.

Background Information

Parcel Location: The subject site is located on the north side of Voges Road, immediately opposite Tormey Lane. The 29.5-acre site is within Alder District 16 (Alder Currie) and the Madison Municipal School District.

Existing Conditions and Land Use: The site, zoned IL (Industrial Limited district), is currently developed with an animal shelter composed of a main building and several accessory buildings and a large surface parking lot. Much of the large site is currently undeveloped.

Surrounding Land Uses and Zoning:

North: Office and warehouse buildings zoned IL;

West: A warehouse building zoned IL and a stormwater management facility zoned CN (Conservancy district);

South: Across Voges Road, single-family residences zoned A (Agriculture district) and a stormwater management facility zoned CN; and

East: Office and manufacturing buildings zoned IL.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends Industrial (I) for the majority of the site. There are very small portions of Parks and Open Space (P) designated in the northeast and southwest corners of the site. The [Marsh Road Neighborhood Development Plan](#) (1999) similarly recommends Industrial for the majority of the site with some park, drainage, and open space in the northeast and southeast corners of the site.

Zoning Summary: The subject property is proposed to be zoned IL (Industrial Limited District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	29.46 acres
Lot Width	75'	664.9'
Front Yard Setback	0' or 5'	Adequate
Side Yard Setback	None if adjacent to property zoned IL or IG 10' if adjacent to property zoned anything other than IL or IG	Adequate
Rear Yard Setback	30'	Adequate
Maximum Lot Coverage	75%	Less than 75%
Maximum Building Height	None	1 story

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	96 existing stalls
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	4
Loading	Not required	None
Number Bike Parking Stalls	Animal shelter: 1 per 2,000 sq. ft. floor area	10
Landscaping and Screening	Not required	Yes (1)
Lighting	Not required	Existing lighting
Building Form and Design	Not required	Accessory building

Other Critical Zoning Items	Floodplain, Barrier Free (ILHR 69), Utility Easements, Wetlands
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Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: Portions of the northeast corner of the site, as well as small areas along the east and west lot lines lie within mapped environmental corridors. The proposed raptor shelter is not located within an environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services.

Project Description

The applicant is seeking approval of a conditional use for an animal shelter. The Dane County Humane Society has operated at this site since 2000 as a legal, non-conforming use without an approved conditional use for an animal shelter. The Humane Society is proposing construction of a 2600-square foot raptor enclosure for rehabilitating eagles, hawks, falcons, owls, and other birds of prey. The avian enclosure would also include a solar array mounted above the enclosure. No other site improvements are proposed at this time. If approved, the applicant intends to begin construction in summer 2023, with project completion approximately two months after commencement.

Analysis & Conclusion

This request is subject to the standards for conditional uses. This section begins with a summary of adopted plan recommendations, followed by conditional use standards, and finally a conclusion.

Consistency with Adopted Plans

The [Comprehensive Plan](#) (2018) recommends Industrial (I) for the majority of the site. In addition to manufacturing, wholesale, storage, distribution, transportation, and utility uses, this designation can also include “nuisance” uses that should not be located in proximity to residential or mixed use areas due to impacts from the use. There are very small portions of Parks and Open Space (P) designated in the northeast and southwest corners of the site. The [Marsh Road Neighborhood Development Plan](#) (1999) similarly recommends Industrial for the majority of the site with some park, drainage, and open space in the northeast and southeast corners of the site. The NDP also recommends a new street in the location of the existing access drive into the Human Society property. Staff believe the request is consistent with the adopted plans

Conditional Use Standards

The applicant is requesting approval of a conditional use within the Industrial-Limited. In regards to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) MGO are met. With regards to the City’s adopted plan recommendations, as mentioned above, the Planning Division believes that the proposal can be found consistent with the recommendations of the [Comprehensive Plan](#) and [Marsh Road Neighborhood Development Plan](#). In regards to conditional use approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of §28.183(6) MGO are met. Staff advises the Plan Commission that in evaluating the conditional use standards, State law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation. Staff believes that, in consideration of the comments below and subject to the conditions recommended at the end of this report, the Plan Commission can find that the conditional use approval standards are met.

Staff note that the Humane Society is a long-standing non-conforming use in this location, operating for more than 20 years without an approved conditional use. When considering the location, the history of the use, and the relatively small site change created by the construction of the raptor enclosure, staff believe the conditional use standards can be found to be met.

Conclusion

Staff believes that the proposed addition and conditional use request are consistent with underlying land use recommendations of the [Marsh Road Neighborhood Development Plan](#) and the [Comprehensive Plan](#). When considering the history of the use and recommended conditions of approval, staff believes the Plan Commission can find the applicable standards met.

At time of writing, Staff is unaware of any written comments from the public.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met for 5132 Voges Road, subject to input at the public hearing and the conditions recommended by the reviewing agencies below:

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

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

1. Update the site plan to show the approved changes from the 2020 plan (project number LNDSPP-2019-00112).
2. Submit the landscape plan and landscape worksheet stamped by the 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.
3. 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.

City Engineering Division (Contact Tim Troester, 267-1995)

4. Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
5. Current plan shows less than 4,000 sf disturbed area. If plans are not revised, no Erosion Control or Storm Water Management Permits will be required.
6. An updated Storm Water Management Report and Storm Water Management Permit is required for this project. See Storm comments for report and permit specific details and requirements.
7. Revise the site plan to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
8. Revise the site plans to show the location, depth, type, and size of existing and proposed private utilities (gas, electric, phone, steam, chilled water, etc.) in the project area or the adjacent right-of-way. (POLICY)
9. This project will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Megan Eberhardt (west) at meberhardt@cityofmadison.com, or Daniel Olivares (east) at daolivares@cityofmadison.com, for approval. The permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>.
10. Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding

stormwater management. Specifically, this development is required to submit a Storm Water Management Permit application, associated permit fee, Stormwater Management Plan, and Storm Water Management Report to City Engineering. The Stormwater Management Permit application can be found on City Engineering's website at <http://www.cityofmadison.com/engineering/Permits.cfm>. An update to the existing SWM report is required to show that the existing features on site can address the additional requirements as a result of this additional impervious area.

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 tstroester@cityofmadison.com (West).

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

12. Remove the Official Map Parkway Reservation area through the northerly portion of this site on the existing conditions map. The Parkway area was removed by Resolution RES-21-00221 by the Common Council.
13. Show and acknowledge CSM 15861 adjacent to the west line of this site.

Metro Transit (Contact Tim Sobota, 261-4289)

14. To facilitate City transit planning efforts, the applicant shall identify the accessible pedestrian connection between the building entrance(s) and the City public right-of-way along the north side of Voges Road.
15. The applicant may install and maintain an accessible pedestrian connection along the north side of Voges Road public right-of-way, between the private driveway entrance and the east property line (towards the Owl Creek Drive intersection and City transit stop location).
16. The applicant shall include the location of any of these transit amenities on the final documents filed with their redevelopment permit application, so that Metro Transit may review the design.
17. Metro Transit operates daily all-day transit service along Owl Creek Drive, just east of this property - with trips at least every 75 minutes.
18. Metro Transit has received historic feedback, from bus passengers that have identified as volunteers at the Humane Society, requesting improved pedestrian facilities when accessing this property from the City bus stop location on the opposite side of Voges Road at the Owl Creek intersection.

The Planning Division, Traffic Engineering Division, Fire Department, Parks Division, and Parking Utility have reviewed this request and have recommended no conditions of approval.