



## PLANNING DIVISION STAFF REPORT

April 12, 2021

PREPARED FOR THE PLAN COMMISSION

**Project Address:** 2918 Progress Road (District 16 - Ald. Tierney)  
**Application Type:** Conditional Use  
**Legistar File ID #** [64366](#)  
**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:** Tim Willihnganz; Dog Gone Walkers, LLC; 4314 Remington Road; Madison, WI 5376  
**Property Owner:** Weir Slurry Group, Inc.; 2701 S Stoughton Road; Madison, WI 53716

**Requested Action:** The applicant requests conditional use approval to convert an existing building into an animal day care and animal boarding facility in the Industrial General (IG) Zoning District at 2918 Progress Road.

**Proposal Summary:** The applicant proposes to establish an animal day care and animal boarding facility in an existing 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 *animal day cares* and *animal boarding facilities* are conditional uses in the Industrial General (IG) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for these uses.

**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 and animal boarding facility in the Industrial General (IG) Zoning District at 2918 Progress Road. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

### Background Information

**Parcel Location:** The 59,141 square-foot (approximately 1.36-acre) subject site is located on the east side of Progress Road between Tompkins Drive and Femrite Drive. It located within Aldermanic District 16 (Ald. Tierney) as well as the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site is currently developed with a one-story, 5,148-square-foot commercial building and surface parking lot.

#### Surrounding Land Use and Zoning:

**North:** A vacant parcel, zoned Industrial General (IG), with a variety of commercial and industrial uses, zoned IG beyond;

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

**South:** A variety of commercial and industrial uses, zoned Industrial Limited (IL); and

**West:** A variety of industrial uses, zoned IL.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2018\)](#) and the [Stoughton Road Revitalization Project Plan \(2008\)](#) recommend Industrial uses for the subject site. The [Stoughton Road Revitalization Project Plan \(2008\)](#) includes the subject site within the “Gateway Development Area.” According to the plan, “the overall concept for the Gateway Development Area is to make new infrastructure connections to improve access to the area, take advantage of the site’s position as a gateway, and to reinforce it as an employment center.”

**Zoning Summary:** The project site is currently zoned Industrial General (IG) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	10,000 sq. ft.	59,141 sq. ft.
Lot Width	65 ft.	165 ft.
Front Yard Setback	None	Existing, no change
Side Yard Setback	None	Existing, no change
Rear Yard Setback	30’	Existing, no change
Maximum Lot Coverage	75%	Existing, no change
Maximum Building Height	None	Existing, no change
Number Parking Stalls	No minimum, 25 maximum	7
Accessible Stalls	1	1
Loading	None	None
Number Bike Parking Stalls	2	2
Landscaping and Screening	Yes	Existing, no change
Lighting	Not required	None
Building Forms	Yes	Existing, no change
<b>Other Critical Zoning Items:</b> Utility Easements		

Table Prepared by Jacob Moskowitz, 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.

## Project Description

The applicant, Dog Gone Walkers LLC, proposes to establish an animal day care and animal boarding facility in an existing commercial building. According to MGO §28.211, an *animal day care* is defined as, “an establishment that provides care of dogs and other domestic pets for periods of less than twelve (12) hours a day.” Furthermore, an *animal boarding facility, kennel, animal shelter* is defined as, “any lot or premises on which dogs, cats and other household pets are kept, boarded or raised for sale.” The applicant has not indicated that any pets would be raised for sale on this site.

In the letter of intent, the applicant included written operating procedures for the facility including information on animal supervision and animal waste disposal. In addition to animal boarding for dogs, the proposed facility will provide animal day care services from 6:00 am to 7:00 pm Monday through Thursday, 6:00 am to 6:00 pm on Fridays, and from 8:00 am to 6:00 pm on Saturdays. The applicant indicated that most dogs are dropped off between 6:00 am and 10:00 am and are picked up between 3:00 and 7:00 pm. The facility will have two (2) full-time employees and anticipates up to 60 dogs daily, with boarding limited to 20 dogs per night.

According to the site plan, there are fenced in outdoor exercise areas for the dogs on the side and rear of the existing building. As proposed, the applicant will add wood fence panels to the existing chain link fence for privacy within the exercise area. The applicant indicated that pea gravel and artificial grass will be added to some areas for easier waste cleanup. All dog waste will be disposed into on-site dumpsters that will be picked up on a weekly basis.

## 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 generally consistent with the recommendations in the [Comprehensive Plan \(2018\)](#) and the [Stoughton Road Revitalization Project Plan \(2008\)](#). While the proposed use is not technically an industrial use, Staff believes that this site is an appropriate location for an animal day care and animal boarding facility given the lack of residential properties in the surrounding area. Furthermore, as the applicant is utilizing an existing commercial building, the Planning Division does not believe that establishing an animal day care and boarding use will preclude the property from developing into an industrial use in the future.

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." Staff believes that this standard can be found met given the variety of commercial and industrial daytime uses surrounding the site.

### Supplemental Regulations

According to Table 28F-1 in M.G.O. §28.082(1) an *animal boarding facility, kennel, animal shelter* and *animal day care* must adhere to the Supplemental Regulations found in MGO §28.151. For an animal boarding facility, kennel, animal shelter, the Supplemental Regulations state that the outdoor runs or exercise pens shall be located at least two hundred (200) feet from a residential use or district, and that any outdoor portion of an animal boarding facility, kennel, shelter, or animal daycare shall be screened from view from adjacent property by a solid fence, hedge or similar plant material not to exceed six (6) feet in height.

According to the site plan, the applicant indicated that they will install six (6) foot tall wooden panels along the existing eight (8) foot fence that currently surrounds the property. Additionally, there are no residential uses or districts within two hundred (200) feet of the subject site.

Furthermore, for an animal day care, the Supplemental Regulations state that applicants shall submit at the time of permit application written operating procedures. 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. In the letter of intent, the applicant detailed normal business operations and waste removal protocol. The applicant also provided additional information on animal corrections as it relates to bad behavior and excessive barking.

Staff believes that the Supplemental Regulations can be found met with this request.

## Conclusion

The Planning Division believes that the proposed animal day care and animal boarding facility at 2918 Progress Road can meet the standards of approval for conditional uses and recommends that the Plan Commission approve the request, subject to input at the public hearing and comments from reviewing agencies.

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 concerns on this request.

## Recommendation

### Planning Division Recommendation (Contact Sydney Prusak, sprusak@cityofmadison.com)

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 and animal boarding facility in an existing building in the Industrial General (IG) Zoning District at 2918 Progress Road. 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 (Contact Brenda Stanley, (608) 261-9127)

1. 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.
2. 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).

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

3. 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.
4. 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.

5. 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.
6. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

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

7. Applicants shall submit at the time of permit application written operating procedures. 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.

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

8. Show and label the 30' wide Public Sanitary Sewer and Watermain Easement per Doc No 991470 over the south 30 feet of this parcel. Also show and label the 10' wide Public Sanitary Sewer Easement per Doc No 1111238 over the south 10 feet of this parcel.
9. Identify on the plans the lot and block numbers of recorded Certified Survey Map or Plat.
10. Provide a full and complete legal description of the site or property being subjected to this application on the site plan.