



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 4351 East Towne Way (District 17 – Ald. Madison)

**Application Type:** Conditional Use

**Legistar File ID #** [76897](#)

**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted

**Reviewed By:** Kevin Firchow, AICP, Planning Division

**Summary**

**Applicant & Contact:** Samantha Fiscus; Duncan’s Dog Daycare; 4351 E Towne Way; Madison, WI 53704

**Property Owner:** Big Banana Holding Company; 900 Green Valley Road; Beaver Dam, WI 53916

**Requested Action:** Consideration of a conditional use in the Commercial Center (CC) District for animal boarding at an existing animal daycare in a multi-tenant commercial building at 4303 East Towne Way.

**Proposal Summary:** The applicant proposes to establish animal boarding at an existing animal daycare facility. No site plan or building changes are proposed. Up to eight (8) dogs will be boarded per night and will continue to use the existing and fenced in outdoor area located immediately adjacent to the tenant space.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183] as MGO §28.061 lists an *animal boarding facility* as a conditional use in the Commercial Center (CC) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to establish animal boarding at an existing animal daycare in a multi-tenant commercial building on a property zoned CC (Commercial Center District) at 4351 East Towne Way. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

**Background Information**

**Parcel Location:** The 116,524-square-foot (2.67-acre) project site is located to the east of the intersection of Eagan Road and Lien Road. The site is within Alder District 17 (Ald. Madison); the Madison Metropolitan School District; and the Transit-Oriented Development (TOD) Overlay District.

**Existing Conditions and Land Use:** The subject parcel contains a one-story, 31,820-square-foot, multi-tenant commercial building. City Assessor records state that the building was constructed in 2006. The applicant occupies a roughly 3,875-square-foot tenant space.

**Surrounding Land Use and Zoning:**

- North: The East Towne Mall, zoned CC (Commercial Corridor District);
- East: Vacant land, zoned SE (Suburban Employment District);
- South: Across Lien Road is a The Journey restaurant behind which is a Target store, both are zoned CC; and
- West: A Jiffy Lube, zoned CC.

**Adopted Land Use Plan:** The [2018 Comprehensive Plan](#) recommends Regional Mixed-Use (RMU) uses for the subject property while the [Greater East Towne Area Plan](#) (2022) recommends Low-Medium Residential (LMR) uses for the subject parcel. The older [East Town-Burke Heights Neighborhood Development Plan](#) (1987) recommends Commercial uses for the subject parcel. Finally, while the development of the [Northeast Area Plan](#) is currently in progress, it is not far enough along to have land use recommendations.

**Zoning Summary:** The project site is currently zoned Commercial Center (CC).

Requirements	Required	Proposed
Front Yard Setback	None	Adequate
Max. Front Yard Setback: TOD	20'	Existing front setback
Side Yard Setback	One-story: 5' Two-story or higher: 6'	Adequate
Rear Yard Setback	The lesser of 20% of lot depth or 20'	Adequate
Maximum Lot Coverage	85%	Existing lot coverage
Minimum Building Height: TOD	2 stories	1 story existing building
Maximum Building Height: TOD	6 stories/90'	1 story existing building

Requirements	Required	Proposed
Number Parking Stalls	No minimum required	105 existing stalls
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	Existing accessible stalls
Loading	Not required	Existing loading area
Number Bike Parking Stalls	Existing animal daycare: 1 per 5,000 sq. ft. floor area Proposed animal boarding facility: 1 per 2,000 sq. ft. floor area (2 minimum)	20 existing bike stalls
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Form and Design	Not required	Existing building

<b>Other Critical Zoning Items</b>	Yes: TOD Overlay; Barrier Free (ILHR 69); Utility Easements
	No: Urban Design; Historic Design; Floodplain; Adjacent to Park; Wetlands; Wellhead Protection District

*Tables 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.

## Project Description

The applicant, Duncan’s Dog Daycare, currently operates a dog daycare business at the subject site. They occupy the roughly 3,875-square-foot tenant space located at the southern end of the 31,820-square-foot, multi-tenant commercial building. Currently accommodating up to 45 dogs during the day, they plan to also now board up to eight dogs at night. A portion of the tenant space will be converted to a kennel area containing cages of various sizes for the boarded dogs. Other than the addition of the cages, no other changes to the building or site are proposed. As with the dog daycare, boarded dogs will also use the roughly 760-square-foot outdoor fenced area which is located along and accessed from the tenant space’s south façade. The applicant has noted that the existing noise prevention methods will remain in place and they do not allow dogs to bark excessively indoors or out. Regarding staffing, current staffing numbers – one FTE and four PTE – will remain. With the addition of the overnight boarding, the hours of operation will change from 6:30 am - 6:00 pm, Monday to Friday and training classes on Saturdays to 24/7/365.

## Project Analysis and Conclusion

### Conditional Use Standards

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. Please note, recent changes to 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.

The [2018 Comprehensive Plan](#) recommends Regional Mixed-Use (RMU) uses which it describes as 2-12 stories and including "existing and planned high-intensity centers supporting a variety of multifamily housing options and commercial activity serving the needs of the region." The [Greater East Towne Area Plan](#) (2022) recommends Low-Medium Residential (LMR) uses but notes that "Small-scale commercial uses within residential categories should be limited to small establishments providing convenience goods or services primarily to neighborhood residents, either as a freestanding business or within a larger, predominantly residential building." As for the older [East Town-Burke Heights Neighborhood Development Plan](#) (1987), it recommends Commercial uses for the subject parcel. Finally, while the development of the [Northeast Area Plan](#) is currently in progress, only plans adopted at the time of application submission should be considered when reviewing the applications.

While recognizing these recommendations, staff believes that the establishment of an animal boarding use in a tenant space that already contains animal daycare, all within an existing commercial building, could be found to be compatible with adopted plans. Staff does not anticipate that this conditional use would prevent the subject site or those nearby from developing in a manner more consistent with plan recommendations in the future.

### Supplemental Regulations

According to Table 28D-2 in MGO §28.061, an *animal boarding facility* must adhere to the Supplemental Regulations found in MGO §28.151. They are:

- (a) *Outdoor dog runs or exercise pens shall be located at least two hundred (200) feet from a residential use or district.*
- (b) *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.*

Regarding supplemental regulation (a), the nearest residential unit is located over 1,600 feet to the southeast. Regarding regulation (b), there is already an outdoor area which is fenced in with a six-foot tall solid wood fence. Therefore, staff believes that the Supplemental Regulations are met.

### Conclusion

Staff believes that the establishment of an animal boarding use in a tenant space that already contains animal daycare, all within an existing commercial building, could be found to be compatible with adopted plans. Staff does not anticipate that this conditional use would prevent the subject site or those nearby from developing in a manner more consistent with plan recommendations in the future. Staff also believe the proposal is consistent with supplemental regulations. Therefore, Staff believes that the proposed animal boarding facility can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission, 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 Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to establish animal boarding at an existing animal daycare in a multi-tenant commercial building on a property zoned CC (Commercial Center District) at 4351 East Towne Way. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

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

#### Zoning (Contact Jenny Kirchgatter, (608) 266-4429)

1. 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.

*The Planning Division, City Engineering, Engineering – Mapping, Traffic Engineering, Fire Department, Parks Division, Forestry Section, Water Utility, and Metro Transit have reviewed this request and have recommended no conditions of approval.*