



PREPARED FOR THE PLAN COMMISSION

Project Address: 5209 Femrite Drive
Application Type: Conditional Use
Legistar File ID # [84448](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant: Tom & Amy McGuire, The Fur Seasons; 2014 Paris Lane; Cottage Grove.

Property Owner: McAllen Properties Dane, LLC; 3950 Commercial Avenue; Madison.

Requested Action: Consideration of a conditional use in the Industrial–Limited (IL) District for animal boarding at 5209 Femrite Drive to allow a feline rescue tenant in a multi-tenant industrial/commercial building.

Proposal Summary: The applicant is proposing to occupy a tenant space at 5209 Femrite Drive in a multi-tenant building addressed as 5201–5265 Femrite with a cat rescue, which is classified as animal boarding under the Zoning Code. The applicants plan to renovate the space for the proposed use as soon as all regulatory approvals have been granted, with completion and occupancy anticipated by November 30, 2024.

Applicable Regulations & Standards: Table 28F-1 in Section 28.082(1) of the Zoning Code identifies an animal boarding facility, kennel, or animal shelter as a conditional use in the Industrial–Limited (IL) zoning district subject to supplemental regulations in Section 28.151. Section 28.183 provides the process and standards for the approval of conditional use permits.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for animal boarding at 5209 Femrite Drive subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: An approximately 11.66-acre parcel located at the southeastern corner of Agriculture Drive and Femrite Drive; Alder District 16 (Currie); Madison Metropolitan School District.

Existing Conditions and Land Use: The site is developed with two one-story multi-tenant flex industrial/commercial buildings, zoned IL (Industrial–Limited District). The northern building is a 65,685 square-foot structure addressed as 5201-5265 Femrite Drive, which includes a variety of tenants, including Emmons Business Interiors, AVI Systems, and Sherwin-Williams. Parking for the northern building is located between the building and Femrite; a loading dock area is located along the southern wall. The southern building is an L-shaped, 48,680 square-foot structure addressed as 3329 Agriculture Drive, which is currently occupied by IFF. Parking for the southern building is located along the south and west walls. Access to the two-building site is provided by two driveways from Femrite Drive and one from Agriculture Drive; an accessory off-site parking lot for the IFF (formerly

DuPont) manufacturing facility located across Agriculture Drive also shares access with the two buildings and associated parking.

Surrounding Land Uses and Zoning:

North: Undeveloped land, zoned IL (Industrial–Limited District) and CN (Conservancy District);

South: Accessory parking lot and undeveloped land, zoned IL; undeveloped land, zoned CN;

West: IFF manufacturing facility, zoned IL; and

East: Viking Electric and Badger Bus/First Student, zoned IL.

Adopted Land Use Plan: The 2023 Comprehensive Plan recommends the subject site and neighboring properties south of Femrite Drive for Industrial (I) development and uses. Lands north of Femrite are recommended for Employment (E) and Park and Open Space (P). The subject site and surrounding properties are not located within the boundaries of an adopted neighborhood or sub-area plan.

Zoning Summary: The site is zoned IL (Industrial–Limited District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	507,875 sq. ft.
Lot Width	75'	806.44'
Front Yard	0' or 5'	Existing, Adequate
Side Yards	None if adjacent to property zoned IL or IG; 10' if adjacent to property zoned anything other than IL or IG	Existing, Adequate
Rear Yard	30'	Existing, Adequate
Maximum Lot Coverage	75%	Existing
Maximum Building Height	None	Existing one-story
Auto Parking	No minimum	239 total
Electric Vehicle Stalls	Not required	None
Accessible Parking	Yes	Existing
Bike Parking	Animal boarding facility: 1 per 2,000 sq. ft. floor area (4)	25 total on site
Loading	Not required for tenant	Existing
Building Forms	Industrial Building	Existing
Other Critical Zoning Items		
Yes:	Urban Design (Urban Design Dist. 1), Barrier Free, Wetlands, Utility Easements	
No:	Floodplain, Wellhead Protection, Adjacent to Park, Landmarks; TOD Overlay	
<i>Prepared by: Jenny Kirchgatter, Assistant Zoning Administrator</i>		

Environmental Corridor Status: The wetlands located along the eastern property and on the parcels adjacent to the south and east are located in mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services, including Metro Transit, which operates Route L through the Agriculture Drive-Femrite Drive intersection.

Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations apply to Animal Boarding Facility, Kennel, Animal Shelter:

- (a) Outdoor dog runs or exercise pens shall be located at least 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.

Project Description, Analysis and Conclusion

The applicants are requesting approval of a conditional use to allow a tenant space in a one-story, 65,685 square-foot multi-tenant building located at 5201–5265 Femrite Drive to be occupied by a cat rescue organization, The Fur Seasons. The space, addressed as 5209 Femrite, contains 7,775 square feet of floor area according to the plans provided with the application. The building is currently divided into a total of seven tenant spaces, with parking for 107 cars located between the building and Femrite Drive and a loading dock area along the southern wall. A second 48,680 square-foot multi-tenant building addressed as 3329 Agriculture Drive is located to the south on the same zoning lot, which provides a total of 239 parking stalls across the 11.66-acre site.

The hours of operation for the cat rescue will be 9:00 AM–6:00 PM Monday through Friday and 9:00 AM–1:00 PM on Saturday, though staff and volunteers will be on-site 24 hours a day to provide care for the cats until they are adopted. The letter of intent details the operation of the cat rescue, which will provide transportation and intake of animals, “preliminary” veterinary and grooming care, and adoption facilitation. A limited retail component is noted in the letter of intent that will offer “essential” items for parties adopting a cat from the facility.

A cat rescue is classified as animal boarding under the Zoning Code. Animal boarding facilities, kennels, and animal shelters are conditional uses in the Industrial–Limited (IL) zoning district requiring Plan Commission approval.

The Planning Division believes that the Plan Commission may find that the conditional use standards are met. The proposed cat rescue should not negatively impact the uses, values, or enjoyment or the normal and orderly development and improvement of surrounding properties. While animal boarding is not a use typically associated with areas recommended for Industrial in the Comprehensive Plan, staff does not believe that establishment of the cat rescue would preclude development of industrial uses elsewhere on the subject site or on nearby properties recommended for Industrial or Employment (north of Femrite Drive). [Based on the information provided by the applicants, the supplemental regulations enumerated in the preceding section will not apply to the cat rescue, as all of the activities associated with the conditional use will occur indoors.]

No alder, public, or neighborhood association comments have been received as of the writing of this report that would suggest that the Plan Commission could not approve the request as submitted. As with any conditional use, the Plan Commission retains continuing jurisdiction in the event that complaints are received about the animal boarding facility, which could result in more restrictive conditions being applied if deemed necessary following an investigation and public hearing.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the standards met and **approve** a conditional use for animal boarding at 5209 Femrite Drive subject to input at the public hearing and the following conditions:

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

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

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

City Engineering Division–Mapping Section (Contact Julius Smith, (608) 264-9276)

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

Traffic Engineering Division (Contact Luke Peters, (608) 266-6543)

1. "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.

Parking Division (Contact Trent W. Schultz, (608) 246-5806)

2. Note: This agency has reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required based on the number of parking stalls assigned to the proposed use (14).

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

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.
4. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with MGO Chapter 31 Sign Codes and MGO Section 33.24 Urban Design Commission ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

Fire Department (Contact Matt Hamilton, (608) 266-4457)

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

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

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

Parks Division (Contact Kathleen Kane, (608) 261-9671)

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

Forestry Section (Contact Jeffrey Heinecke, (608) 266-4890)

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

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

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