

PLANNING DIVISION STAFF REPORT

January 10, 2022



PREPARED FOR THE PLAN COMMISSION

Project Address: 1422 MacArthur Road (17th Alder District, Ald. Halverson)
Application Type: Conditional Use
Legistar File ID #: [68193](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Emily Messersmith; 15 Washington Place; Madison, WI 53703
Property Owner: BVD Properties, LLC; 1422 MacArthur Road; Madison, WI 53714

Requested Action: Consideration of two conditional uses in the CC-T (Commercial Corridor – Transitional) District – to allow an animal daycare facility and an animal boarding facility at 1422 MacArthur Road.

Proposal Summary: The applicant seeks approval to establish an animal daycare facility and animal boarding facility in an existing building.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses, MGO §28.183(6). Section 28.061(1) states that, in the CC-T District, both animal daycare and animal boarding facilities, kennels, and animal shelters are Conditional Uses. Both proposed uses are also subject to the Supplemental Regulations [M.G.O. §28.151].

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests to allow an animal daycare facility and an animal boarding facility in an existing building at 1422 MacArthur Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The 0.98-acre property is located on the southwest side of MacArthur Road, between E Washington Avenue and Larson Court. It backs onto N Stoughton Road (US Highway 51) and is located within Alder District 17 (Ald. Halverson) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: According to city assessor data, the property is developed with a one-story, 12,000-square-foot building which was constructed in 2000. The property is zoned Commercial Corridor - Transitional (CC-T) District.

Surrounding Land Use and Zoning:

Northeast: Across MacArthur Road are single-family residences, zoned Suburban Residential - Consistent 3 (SR-C3);

Northwest: An auto/tire repair shop, zoned Commercial Corridor – Transitional (CC-T) District;

Southeast: A 2-story, multi-tenant office building, zoned CC-T; and

Southwest: N Stoughton Road (US Highway 51)

Adopted Land Use Plan: The [Comprehensive Plan](#) (2018) recommends General Commercial (GC) uses for the subject parcel. The site is not within any special area plan boundaries.

Zoning Summary: The property is zoned Commercial Corridor – Transitional (CC-T)

Requirements	Required	Proposed
Front Yard Setback	0' or 5'	Adequate
Side Yard Setback: Other cases	None unless needed for access	10' existing north side yard
Rear Yard Setback	The lesser of 20% of lot depth or 20'	Adequate
Maximum Lot Coverage	85%	Less than 85%
Maximum Building Height	5 stories/78'	1 story existing building
Front Yard Setback	0' or 5'	Adequate
Side Yard Setback: Other cases	None unless needed for access	10' existing north side yard

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	40
Accessible Stalls	Yes	Yes
Loading	Not required	Existing loading area
Number Bike Parking Stalls	Animal daycare: 1 per 5,000 sq. ft. floor area (1) Animal boarding: 1 per 2,000 sq. ft. floor area (1) Animal grooming: 1 per 2,000 sq. ft. floor area (3) (5 total)	8 (See Comment #1)
Landscaping and Screening	Yes	Yes (See Comment #3)
Lighting	Yes	None (See Comment #4)
Building Forms	Not required	Existing building (See Comment #2)

Other Critical Zoning Items	Urban Design (UDD #5); Utility Easements; Barrier Free (ILHR 69)
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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 requests approval of two Conditional Uses to allow an animal daycare facility and an overnight animal boarding facility at 1422 MacArthur Road. They also plan to do pet grooming in the facility but staff note that this use is a Permitted Use in the Commercial Corridor – Transitional (CC-T) District. As stated in the submitted materials, Madison Dog Care, LLC, the company associated with the applicant, currently operates two dog daycares in Madison under the name *Dog Haus University*. They have done so since 2018. They have also operated a pet grooming salon in Madison under the name *Rufus DuMond* since February 2019. At the MacArthur Road facility, the dog daycare, overnight boarding facility and dog grooming will all be combined into a single business operation.

In the existing, roughly 12,000-square-foot building, roughly one-quarter of the space will be allocated each to overnight boarding and dog daycare with the remaining space used for the grooming salon and shared spaces (customer lobby, employee break room, hallways, etc.). The applicant notes that they will provide daycare for up to 60 dogs per day (i.e. weekdays from 6:00am to 6:30pm) and overnight boarding for up to 130 dogs any day of the week. As the demands for these two services occur at opposite times, the applicant notes that the maximum capacity of the combined services will not exceed 130 dogs. The dog grooming will occur between the hours of 7:30am and 6:30pm any day of the week. In order to lessen the noise inside the building, noise-dampening building techniques will be used and sound dampening panels will be installed on the ceiling of the daycare, overnight boarding, and dog grooming spaces. Regarding employees, the applicant notes that 11 will provide daycare and/or overnight boarding services while four will provide the pet grooming services.

Regarding the outdoor dog exercise area, the applicant notes in their submitted materials, *“An area approximately 10,000 square-feet in size will be located at the rear of the building, and will be more than the required 200 feet away from the residential district across the street. This area will be divided into two dog runs. The dog run closest to the building will be surrounded by permanent fencing that is not more than 6 feet high. (This area is shaded red and labeled “A” in the image below) The dog run furthest from the building will be created with portable barriers, not more than six feet high, that extend from the new permanent fencing to the existing fence at the property line. (This area is shaded green and labeled “B” in the image below) The entire outdoor dog exercise area will be screened from adjacent and nearby properties with a hedge or similar plant material not more than 6 feet high. The outdoor exercise area will be used for small groups of supervised dogs for short periods of time during the daycare operating hours. Dogs staying overnight may be let outside for short periods of time until 9:00 pm. Dogs will not be kept outside overnight. Daily cleaning of all areas, including the outdoor exercise area, will ensure a clean and safe environment for dogs, staff, and adjoining properties.”*

The applicant has provided a management and operations plan information within their letter of intent.

Lastly, additional site changes include the enclosure of the dumpster near the east corner of the building, the addition of eight bicycle stalls near the main entrance, rear exterior security lights to illuminate the dog exercise area, and additional landscaping to provide additional screening for the adjacent properties.

The applicant intends to undertake the site changes immediately upon receiving the necessary approvals, with completion in summer 2022.

Analysis and Conclusion

This proposal is subject to the standards for Conditional Uses [MGO §28.183(6)] and the Commercial Corridor – Transitional (CC-T) District [MGO §28.067]. Both the animal daycare and animal boarding facility uses are also subject to the Supplemental Regulations [M.G.O. §28.151]. This portion of the report begins with an analysis of adopted plan recommendations.

Conformance with Adopted Plans

The Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan. For the subject site, the [Comprehensive Plan](#) (2018) recommends General Commercial (GC) uses for which the Plan notes *“provide the city’s population with a wide range of retail goods and services”* and *“includes automobile-oriented uses and “heavy” commercial uses with the appearance or operational*

characteristics not generally compatible with residential or small-scale commercial activities.” It also notes, “depending on specific uses, the districts may require significant buffering from adjacent land uses.” Staff believe the proposal could be found to be compatible with the Comprehensive Plan.

The site is not within any special area plan boundaries.

Conditional Use Standards

This proposal is also subject to the standards for Conditional Uses. Two conditional uses are requested - the first for an animal daycare facility in the CC-T District and the second for an animal boarding facility in the CC-T District. 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) M.G.O. 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.

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.”* The noise from the barking dogs impacting the neighboring residences is consideration with this proposal. To address this, the applicant has intentionally located the outdoor runs as far away from them as possible - at the rear of the site, behind the building. In terms of actual distance, Staff notes that the outdoor area located immediately along the building’s rear façade (i.e. the area shaded red and labeled “A” in the image to the right) lies roughly 240 feet from the nearest residentially zoned lots, which are located across MacArthur Road, to the northeast. Therefore, Staff note that the proposal meets the Zoning Code’s required minimum 200-foot offset for outdoor dog runs or exercise pens of from a residential use or district, as outlined for Animal Boarding Facilities in the Supplemental Regulations (28.151).



The outdoor areas will also both be enclosed with six-foot-tall fencing. This fencing will not only screen the area from adjacent properties and minimize the animal’s off site visual stimulation (i.e. greatly minimize things that the dogs see off site that would cause them to bark). As mentioned earlier, the applicant has stated that *“the outdoor exercise area will be used for small groups of supervised dogs for short periods of time during the*

daycare operating hours. Dogs staying overnight may be let outside for short periods of time until 9:00 pm. Furthermore, daily cleaning of all areas, including the outdoor exercise area, will ensure a clean and safe environment for dogs, staff, and adjoining properties.” To help mitigate noise generated inside the building, the applicant has stated that noise-dampening building techniques will be used and sound-dampening panels will be installed on the ceilings of all the rooms occupied by the dogs. 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).

Supplemental Regulations

According to Table 28D-2 in MGO §28.061(1), both *Animal Day Care* as well as *Animal Boarding Facilities* must adhere to the Supplemental Regulations found in MGO §28.151.

For *Animal Day Care*, there is only one supplemental regulation:

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.

For *Animal Boarding Facilities*, *Kennels*, *Animal Shelters*, there are the following two supplemental regulations:

- (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.

Given the Operating Procedures included in the submitted materials, the separation from the nearby residential by roughly 240 feet, and the proposed six-foot-high screening proposed around the periphery of the outdoor areas, staff believe the supplemental Regulations can be found met.

Public Comment

At the time of report writing, staff have received public comments from one resident expressing concern regarding both the noise impacts from the barking and the traffic impacts. While staff have discussed the noise impacts above, regarding the traffic impacts, Traffic Engineering staff note that they believe MacArthur Road has the capacity – in both directions – to handle the increased traffic. Regarding traffic movements from E Washington Avenue, they note that the existing right in/right out movements from/onto E Washington Avenue are considered the safest option.

Conclusion

Staff believes that it is possible for the proposed animal daycare and overnight boarding facility to 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.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests to allow an animal daycare facility and an animal boarding facility at 1422 MacArthur Road. This recommendation is subject to 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. Bicycle parking for Madison Dog Care, LLC shall comply with the requirements of MGO Sections 28.141(4)(g) and 28.141(11). Provide a minimum of five (5) short-term bicycle parking stalls located in a convenient and visible area on a paved or pervious surface. Relocate the proposed bicycle stalls to a location at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. NOTE: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Submit a detail showing the model of bike rack to be installed.
2. Submit the proposed floor plan and proposed building elevations.
3. 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. Provide details of the proposed screening fence or hedge.
4. Exterior lighting provided shall be in accordance with City of Madison General Ordinances Section 10.085. Provide an exterior lighting plan and fixture cut sheets with the final plan submittal.
5. 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.
6. 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 and Chapter 33 Urban Design District ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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