

PLANNING DIVISION STAFF REPORT

August 7, 2023



PREPARED FOR THE PLAN COMMISSION

Project Address: 314 Junction Road (District 9 – Ald. Conklin)
Application Type: Conditional Use
Legistar File ID # [78423](#)
Prepared By: Lisa McNabola, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Tim Parks, Planner

Summary

Applicant: Shontell Pruitt; Poochtails; 328 46th Avenue, Bellwood, IL 60104

Contact: Malik Shabazz; Poochtails; 7945 Tree Lane, Madison, WI 53717

Property Owner: Greg Thomas; Westwing, LLC; 733 Struck Street #44624, Madison, WI 53744

Requested Action: Consideration of a conditional use to establish an animal day care in an approved Planned Development District – Specific Implementation Plan (PD-SIP) at 314 Junction Road.

Proposal Summary: The applicant proposes to establish an animal day care in a tenant space in an existing mixed-use building.

Applicable Regulations & Standards: Standards for conditional use approvals are found in §28.183(6) M.G.O. Supplemental Regulations for animal day cares are found in §28.151 M.G.O.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the approval standards for Conditional Uses are met and **approve** the request to allow an animal day care in an approved Planned Development District – Specific Implementation Plan (PD-SIP) at 314 Junction Road. All recommendations are subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 177,224-square-foot (4.0-acre) project site is bounded by Junction Road, Elderberry Road, and Harbour Town Drive. The site is within Alder District 9 (Ald. Conklin) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is occupied by a four-story mixed-use condo building, with first floor commercial tenants and 96 upper-story residential units. The applicant would occupy a 3,022 square-foot tenant space in the southern wing of the building. There are a variety of commercial uses located in the building, including retail, service, health and restaurant uses. Per the City Assessor’s Office the building was constructed in 1998.

Surrounding Land Use and Zoning:

North: Across Harbour Town Drive, single family residential, zoned Planned Development (PD) District; medical laboratory, zoned PD District;

East: Across Junction Road, one-story commercial buildings, zoned PD District; West Beltline Highway;

South: Across Elderberry Road, one-story commercial buildings, zoned PD District; and

West: Across Harbour Town Drive, duplex units, zoned Suburban Residential – Consistent 3 (SR-C3) District; vacant land, zoned Agricultural (A) District.

Adopted Land Use Plan: The [2018 Comprehensive Plan](#) recommends Community Mixed-Use (CMU) for the subject property. The [Junction Neighborhood Development Plan](#) (1990) recommends Neighborhood Mixed Use.

Zoning Summary: The project site is currently zoned Planned Development (PD) District.

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

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 Planned Development District – Specific Implementation Plan (PD-SIP), approved in 1997, allows for conditional uses in the C1 Limited Commercial District [1966 Zoning Code]. A comprehensive re-write of the Zoning Ordinance with new zoning districts took effect in 2013. When a PD-SIP zoning text refers to an old zoning district, Zoning assigns a comparable new zoning district. In this case, the comparable zoning district assigned by Zoning is the Neighborhood Mixed-Use (NMX) District. An animal day care is a conditional use in the NMX District. Per Section 28.211 an animal day care is an establishment that provides care of dogs and other domestic pets for periods of less than twelve (12) hours a day. Additionally, animal daycares are subject to supplemental regulations in Section 28.151.

The applicant proposes to establish an animal daycare in a 3,022 square-foot tenant space in an existing mixed-use building with first floor commercial tenants and 96 residential units. There are a variety of commercial uses located in the building, including retail, service, health and restaurant uses.

In reviewing the original submittal, staff had further questions on the intended operational details, many of which were not specified in the submittal. In speaking with the applicant, staff expressed concerns that the submittal proposed a capacity of 66 dogs, which could result in excessive noise and odor inside the building. To better understand how the proposed operations compared to other animal day cares, staff identified three animal day cares with similar operations, including day cares in mixed-use buildings and day cares with no outdoor exercise areas. All three animal day cares received conditional use approval. Using the application materials staff approximated the square footage available for animal care inside each building to determine the square footage available for each dog. Staff calculated an average of 71 square feet per dog. The subject tenant space has

approximately 2,100 square feet available for animal care, which would suggest a capacity of 29 dogs may be appropriate. Please note that all calculations are approximate.

Staff met with the applicant and recommended they provide revised materials that further described the operations and reduced the proposed capacity. A revised letter of intent and floor plan were submitted on July 31, 2023 (see Legistar ID [78423](#)). The revised materials outline the operating procedures for the facility including information on animal supervision, animal waste disposal and clean up, and animal exercise. The new proposed capacity is 28 to 30 dogs. The dogs would be kept in seven kennel areas with four dogs per kennel. The floor plan also shows two exercise areas, per the applicant they intend to use a gate system to separate the areas. No outdoor exercise area is proposed; instead the dogs would be walked throughout the surrounding neighborhood. Dogs that exhibit excessive barking behavior will not return after a 24-hour trial period. The application states that pet waste would be handled in accordance with city, state, and federal guidelines. There would be six employees and the proposed hours of operation are 8:00 a.m. to 4:00 p.m. Parking is shared between all commercial tenants.

Analysis and Conclusion

Conformance with Adopted Plans

The [2018 Comprehensive Plan](#) recommends Community Mixed-Use (CMU) development for the subject site. Employment, retail, civic, institutional, and service uses serving both adjacent neighborhoods and wider community markets are recommended for CMU areas.

The [Junction Neighborhood Development Plan](#) (1990) recommends Neighborhood Mixed-Use. The [Junction Neighborhood Development Plan](#) includes site planning and architectural recommendations for Neighborhood Mixed-Use areas but does not include specific use recommendations.

The proposed animal daycare use is generally consistent with the recommended land uses subject to meeting the supplemental regulations and conditional use standards discussed below.

Conditional Use Standards

The conditional use approval standards state that 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 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.

Staff provides the following comments regarding Conditional Use Standard #3 which states, "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." In regards to the surrounding context, the approved PD-SIP allows for a variety of uses including residential, retail, health, and service. There are residential units located above and commercial spaces on either side of the subject tenant space. Per the applicant, animals that exhibit excessive barking behavior will not return after a 24-hour trial period. An animal daycare must also adhere to the Supplemental Regulations found in MGO §28.151, which state "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." Per the recommended conditions of approval, Zoning staff will review the written operating procedures for compliance with the Supplemental Regulations. The applicant states that pet waste will be handled in accordance with city, state, and federal guidelines. Staff believe the applicant should provide a detailed plan for pet waste management to limit

potential impacts to surrounding properties. Planning staff have included a recommended condition of approval that states, “The applicant shall specify how indoor and outdoor pet waste will be removed and disposed of in the written operating procedures submitted to Zoning.”

Staff emphasize that 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).

Public Input

At the time of report writing, staff have received public comments in opposition to the project. Staff note that the revised application materials were posted on Legistar on August 1, 2023, and that comments dated prior to August 1, 2023 may refer to the original application materials.

Conclusion

If well managed, and given the proposed capacity of 30 dogs, staff believe that the proposed animal daycare can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission. The recommendation is subject to input at the public hearing and comments from reviewing agencies.

Recommendation

Planning Division Recommendation (Contact Lisa McNabola, 243-0554)

The Planning Division recommends that the Plan Commission find the approval standards for Conditional Uses are met and **approve** the request to allow an animal day care in an approved Planned Development District –Specific Implementation Plan (PD–SIP) at 314 Junction Road subject to input at the public hearing and the following conditions recommended by the reviewing agencies.

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

Zoning (Contact Jacob Moskowitz, 266-4560)

1. No dog boarding is permitted.
2. 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.

Fire Department (Contact William Sullivan, 261-9658)

3. A thorough review of the proposed project was not possible based on the clarity of the submitted plans.

(Continued on next page)

Planning Division (Contact Lisa McNabola, 243-0554)

4. The applicant shall specify how indoor and outdoor pet waste will be removed and disposed of in the written operating procedures submitted to Zoning.
5. The animal daycare shall not exceed a capacity of 30 dogs. The Director of the Department of Planning and Community and Economic Development may consider a minor alteration to the conditional use in the future to further modify the capacity for the animal daycare following a recommendation by the district alder.

The following agencies reviewed the request and recommended no conditions of approval: City Engineering, Traffic Engineering, Parks Division, Forestry, Water Utility, Metro Transit, City Engineering – Mapping, and Parking.