

EXHIBIT A: The Plan Commission erred in its decision to grant the Conditional Dog Day Care Approval since there was an insufficient factual and legal basis for its decision, and for the reasons and legal basis as set forth below.

1. The record on this appeal includes all the files, records and proceedings of the Plan Commission including without limitation all the written submissions of affected property owners opposing the requested conditional use and the oral testimony of owners given during the virtual meeting on August 7, 2023, together with the additional materials submitted with this Notice of Appeal.
2. Section 28.183 (6)(a) of the Madison City Ordinances requires that:

"No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present: 1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare. (2) The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing those services. (3) 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.

3. Based on the substantial and uncontested evidence submitted by affected property owners to the Plan Commission none of conditions required in Section 28.183(6)(a) were met and the Plan Commission erred in ruling otherwise. Additionally the property owners state:

(a) There was no basis for the Plan Commission to rule on public health, safety or general welfare of the neighborhood because the Fire Department has not considered those issues due to an incomplete application and lack of clarity of submitted plans as noted in Lisa McNabola's August 11, 2023 letter.

(b) The 3 other dog day care facilities located in a mixed/use property and cited at the hearing as providing a precedent for approval of this location are not valid comparisons because one is located in a strip mall with only adjacent commercial renters; another has no residential ownership units above the dog care; and the third is in a new building being offered only to renters and advertised as providing dog care to potential owners in promoting the building. In contrast, Junction Point has been in ownership since 2005 (a clearly established use), and has never been advertised as providing dog day care to the owners.

(c) A licensed real estate broker provided unrebutted testimony that the values of the ownership units will be diminished by this dog day care use and will result in significant losses to the owners.

(d) Over 100 adversely affected property owners oppose this proposed dog day care use and in their submissions clearly described how their use and enjoyment of their properties will be substantially impaired that include the issues of noise/barking, disruption of use of their properties, odors, dog waste, lack of hygiene, dog bites, lack of dog runs, lack of exercise area in the applicant's leased space and instead the applicant's intended use of public parking spaces and privately owned yards for dog urination and pooping, etc

4. Section 28.151 of the Madison City Ordinances requires that :

Animal Day Care. 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.

Here applicant has not filed a complete operating procedure (as noted in Lisa McNabola's August 11, 2023 letter) and applicant has failed to comply with this requirement. This is another ground that the Plan Commission erred in its decision.

5.The property owners submitting this Notice of Appeal welcome the opportunity to discuss their serious concerns with the Common Council members.

RECEIVED
AUG 17 2023

Junction Point Condominiums

301 Harbour Town Drive

Madison, WI 53717

BY: *[Signature]*

Petition for Appeal of the City of Madison Plan Commission

Conditional Use Approval for

Dog Day Care Facility at 314 Junction Road, Madison, WI.

NOTICE OF APPEAL UNDER SECTION 28.183 (5)(b)

TO: Plan Commission Secretary Heather Stouder (hstouder@cityofmadison.com) and Principal Planner Bill Fruhling (wfruhling@cityofmadison.com)

Re: Appeal of the City of Madison Plan Commission Conditional Use Approval on August 7, 2023 of a dog day care facility at 314 Junction Road, Madison, WI and memorialized and supplemented in a Disposition Letter dated August 11, 2023 authored by Lisa McNabola, Planner of the Plan Commission (collectively referred to as the "Conditional Dog Day Care Approval")

File ID 78423 LNDUSE 2023-00041

OWNER'S APPEAL OF CONDITIONAL DOG DAY CARE APPROVAL

We the undersigned adult owners of residential units in Junction Point Condominium Association, Inc. located at 301 Harbour Town Drive, Madison, WI 53717 hereby appeal the Conditional Dog Day Care Approval to the Common Council of the City of Madison, and request the Common Council to reverse the Conditional Dog Day Care Approval and deny the applicant's application for a conditional use as stated in its amended application. The reasons and factual and legal basis supporting this appeal are set forth in the attached Exhibit A.

Print Name	Unit Number	Signature/Date
A.L. Beach	417	<i>A.L. Beach</i> 8/14/23
SUZANNE LA FOND	420	<i>Suzanne La Fond</i> 8-14-23
Yefim Shklyar	422	<i>[Signature]</i> 08/14/23
Gail Miller	331	<i>Gail Miller</i> 8/14/23
L. Lewis	312	<i>L. Lewis</i> 8/14/23
Tina Simanson	321	<i>Tina Simanson</i> 8-14-23
NATLA BASHARAHIL	411	<i>[Signature]</i> 8-15-23
MARCIA BENTLEY	412	<i>Marcia Bentley</i> 8-15-23

Print Name

Unit Number

Signature/Date

Hedda Lechner	400	Hedda Lechner	8/15/23
Yakov Shpigelman	408	Shpigelman	8/15/23
Yongjing Li	410	Yongjing Li	8/16/23
Cody Leonard	409	Cody Leonard	8/16/23
William Frishe	405	William Frishe	8/16/23
Linda Rawson	401	Linda Rawson	8/16/23
Jean Anderson	424	Jean Anderson	8-16-23
Xin Pan	421	Xin Pan	8-16/23
Nicole Ritholz	423	Nicole Ritholz	8-16/23
Judith Parker	429	Judith Parker	8/16/2023
Samantha Schalk	434	Samantha Schalk	8/16/23
Nikolai Nolan	431	Nikolai Nolan	8/16/23
Todd Astrom	431	Todd Astrom	8/16/23
JEFF SIMMONS	321	Jeff Simmons	8/16/23

Print Name Unit Number Signature/Date

D.R. BEACH 417 8/17/23

Junction Point 201 LLC 201

by Owner

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Print Name	Unit Number	Signature/Date
James Mayhew	220	James Mayhew 8/14/23
Tom W. Collins	226	Tom W. Collins 8/14/23
JANICE OJILA	227	Janice Ojila 8/14/2023
Karen Schnell	229	Karen Schnell 8/14/23
CHRISTOPHER SORIA	207	Christopher Soria 8/14/23
Spencer Straight	262	Spencer Straight 8/14/23
Xuguang Yan	203	Xuguang Yan 8/15/23
1447/2/POW 2214		1447/2/POW 2214

Print Name	Unit Number	Signature/Date
Becky Sorensen	228	Becky Sorensen 8/15/23
Sarina Lahay	232	Sarina Lahay 8/15/23
Brian Rubin	418 (418)	Brian Rubin 8/15/23
Amita Beach	335	Amita Beach 8-16-23
Gregory N. Gaudard	209	Gregory N. Gaudard 8-16-23
Kori Falk	204	Kori Falk 8-16-23
Desiree Dailey	221	Desiree Dailey 8-16-23
Salvador Carranza	225	Salvador Carranza 8-16-23
Teresa Carranza	225	Teresa Carranza 8-16-23
Rebecca Schnell	229	Rebecca Schnell 8-16-23
Cheryl Chum	231	Cheryl Chum 8-16-23
Kathy Bland	234	Kathy Bland 8-16-23
Lore Levac	217	Lore Levac 8-16-23
Nicole Stamm	202	Nicole Stamm 8/16/23
Jack Liu	205	Jack Liu 8/17/23
Junction Point 208 LLC 208		by owner 8/17/23
Junction Point 216 LLC 216		by owner 8/17/23

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Print Name	Unit Number	Signature/Date
Elizabeth Landmark	301	Elizabeth Landmark 8/14/23
Chris Olson	311	Chris Olson 8/14/23
Kay Simmons	300	Kay Simmons 8/14/23
Greg Simmons	300	Greg Simmons 8/14/23
DAVID GARDE	305	David Garde 8/14/23
Harley Jeanne & Janna Storm	334	Harley Storm 8/14/23
Sean O'Brien	328	Sean O'Brien 8/14/23
Betsy Ruffer	326	Betsy Ruffer 8/14/2023

Print Name	Unit Number	Signature/Date
✓ Janet M NATHORN	320	Janet M Nathorn 8/15/23
✓ Patricia Krueger	320	Patricia Krueger 8/15/23
Kristen Igce	212	Kristen Igce 8/16/23
Keith Luck	403	Keith B. Luck 8/16/23
Ellen Ward-Shaw	310	Ellen Ward-Shaw 8/17/2023
Cricket Fausek	323	Cricket Fausek 8/17/23
Amanda Black	432	Amanda Black 8/17/23
X Kristi ENCL	310 Harbour Town Dr	Kristi Ende 8/17/23
X Deborah Benisch	314 Harbour Town Dr	Deborah Benisch 8/17/23
X Deborah Benisch	334 Harbour Town Dr	Deborah Benisch 8/17/23
X June Zeeh	302 Harbour Town Dr.	June Zeeh 8/17/23
✓ Jim Lynaugh	244 Harbour Town Dr	Jim Lynaugh 8/17/23
X Mark Deneve	315	Mark Deneve 8/17/23
X Joe Bohnenkamp	315	Joe Bohnenkamp 8/17/2023

[insert letterhead of Junction Point Condominium Association]

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Print Name

Unit Number

Signature/Date

PETER J MCCALL

417

Peter J McCall 8-14-2023

Rhonda L McCall

417

Rhonda McCall 8-14-2023

