

## PLANNING DIVISION STAFF REPORT

March 19, 2018



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 437 S. Junction Road (District 9 - Ald. Skidmore)  
**Application Type:** Conditional Use  
**Legistar File ID #** [50429](#)  
**Prepared By:** Sydney Prusak, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

### Summary

#### Applicant & Property

**Owner:** Arlan Kay; Network Partners, LLC; 5685 Lincoln Road; Oregon, WI 53575

**Contact:** Amy Hasselman; Kontext Architects, LLC; 1110 N Bristol Street; Sun Prairie, WI 53590

**Requested Action:** The applicant requests conditional use approval to establish an animal boarding facility in an existing building within the CC (Commercial Corridor) zoning district.

**Proposal Summary:** The applicant proposes to establish an animal boarding facility within an existing building on a planned multi-use site. The building would also include a veterinary clinic and animal day care, which are permitted uses in CC zoning.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [M.G.O. §28.183], as an *animal boarding facility* is a conditional use in CC zoning. The Supplemental Regulations [M.G.O. §28.151] contain further regulations for this use.

**Review Required By:** Plan Commission (PC)

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the approval standards for a Conditional Use are met and **approve** the request for an animal boarding facility within a planned multi-use site in CC (Commercial Corridor) zoning at 437 S. Junction Road. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

### Background Information

**Parcel Location:** The project site is located on the east side of S. Junction Road between Mineral Point Road and Watts Road. It is in Aldermanic District 9 (Ald. Skidmore) as well as the Middleton - Cross Plains Area School District.

**Existing Conditions and Land Use:** The proposed animal boarding facility would be located in a 13,153 square-foot existing building (the former West Side Business Association) that would be shared with a veterinary clinic and an animal day care. According to the City Assessor's Office, the total subject site is 107,289 square-feet (2.46 acres).

#### Surrounding Land Use and Zoning:

North: A variety of commercial uses, zoned Commercial Corridor (CC) with Mineral Point Road beyond;

South: A variety of commercial uses, zoned Commercial Corridor (CC)

**East:** City of Madison vacant property, zoned Agriculture (A); and

**West:** Menards and other commercial uses, zoned CC.

**Adopted Land Use Plan:** The [Comprehensive Plan \(2006\)](#) recommends General Commercial (GC) for the subject site. The [Junction Neighborhood Development Plan](#) also recommends commercial uses for the subject site.

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

Requirements	Required	Proposed
Front Yard Setback	None	6.3'
Side Yard Setback	One-story: 5' Two-story: 6'	Adequate
Rear Yard Setback	Lesser of 20% lot depth or 20'	Adequate
Maximum Lot Coverage	85%	Less than 85%
Maximum Building Height	5 stories/68'	1 story existing building
Number Parking Stalls	No minimum	76
Accessible Stalls	Yes	4 (1)
Loading	Not required	None
Number Bike Parking Stalls	<b>Veterinary clinic:</b> 1 per 5 employees (4) <b>Animal daycare:</b> 1 per 5,000 sq. ft. floor area (1) <b>Animal boarding facility, kennel:</b> 1 per 2,000 sq. ft. floor area (2) (7 total)	5 (8)
Landscaping and Screening	Yes	No (9)(10)(11)
Lighting	Yes	Yes
Building Forms	Not required	Existing building
<b>Other Critical Zoning Items</b>		
Yes:	Urban Design (Planned Multi-Use Site), Barrier Free (ILHR 69), Utility Easements	
No:	Historic District, Floodplain, Adjacent to Park, Wetlands, Wellhead Protection District	

*Table 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, with weekday Metro Transit running along Mineral Point Road to the north and weekday and weekend service on Watts Road to the south.

## Previous Approvals

The animal day care and veterinary clinic components of this project went before the Urban Design Commission (UDC) on February 21, 2018 and were approved on consent as an amendment to a Planned Multi-Use Site.

## Project Description

The applicant proposes to establish an animal boarding facility in an existing building that would also contain an animal day care and veterinary clinic (the latter two uses being permitted uses). Per M.G.O. §28.061, an animal boarding facility is considered a conditional use in the CC (Commercial Corridor) zoning district. M.G.O. §28.211 defines this uses as “any lot or premises on which dogs, cats and other household pets are kept, boarded or raised for sale.” The applicant has not indicated that any pets will be raised for sale on this site.

The applicant has included written operating procedures for the facility including information on animal supervision, animal waste disposal and clean up, and animal exercise techniques. Copies of these procedures have been included in the meeting packet. In addition to animal boarding for dogs and cats, the proposed facility would provide animal day care and veterinary clinic services from 7:00 am to 6:00 pm Monday through Friday, with Saturday hours from 8:00 am to 12:00 pm. The kennel would be open for animal pick up and drop off on Sundays from 3:00 to 5:00 pm.

The veterinary clinic would have an entrance on the south side of the building, and the day care and boarding facility would share an entrance on the east side of the building. As proposed, there would not be any overnight staff for the animal boarding facility. According to the facility's veterinarians, this is the standard of care in this area, and they will have surveillance cameras to monitor and address any problems or concerns.

According to the site plan, there will be two indoor dog day care play areas, one area for small/old dogs and one area for large dogs. These play areas will be used exclusively by the animal day care dogs during the day, but will open to the kenneled dogs after the day care hours. As proposed, there would be fifty-two (52) kennel spaces for dogs spending at least one night at the facility. These spaces would be roughly fifty-seven (57) square feet and would be separated by six (6) foot high and four (4) inch thick concrete blocks. They would have fenced gates facing the inner hall with opaque lower panels. Cat boarding would be on the northwest corner of the site, in the old school house building that is connected to the rest of the facility. Eighteen (18) cats could be accommodated at one time, each having their own small room.

The applicant is proposing four (4) outdoor exercise areas on the northeast corner of the site. The two runs closest to the building would be exclusively used for the animal day care dogs during the hours listed above. The applicant has indicated that these two areas will be open to the boarded dogs after these hours and on the weekends. According to the applicant, the outdoor dog exercise areas will be on the existing pavement.

The two animal day care outdoor exercise areas will have direct access to the indoor animal day care play areas. As proposed, the two outdoor exercise areas that are exclusively for the kenneled dogs do not have direct access into the building. The applicant has indicated that the kenneled dogs will be led to the northern exercise areas on leashes by staff. The dogs will either be alone or mixed with other dogs depending on size, age, temperament, and ability to play with others.

The applicant is proposing seven (7) foot high green-screened fencing for the outdoor exercise areas to help screen them from the neighboring properties. According to M.G.O. §28.151, the Supplemental Regulations for Animal Boarding Facility, Kennel, Animal Shelter requires that any 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. In order to conform to this requirement, Staff requires that the applicant adjust the fence height to six (6) feet as a Condition of Approval.

## **Project Analysis and Conclusion**

This proposal is subject to the approval standards for conditional uses. 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 M.G.O. §28.183(6) are met. The Planning Division believes that the proposed use is consistent with the commercial land use recommendations in the [Comprehensive Plan \(2006\)](#) and the [Junction Neighborhood Development Plan](#).

According to Table 28D-2 in M.G.O. §28.061, animal boarding facilities are a conditional use within the Commercial Corridor (CC) zoning district and must adhere to the Supplemental Regulations under M.G.O. §28.151. As

mentioned in the previous section regarding the Supplemental Regulations, the fencing that screens the outdoor exercise areas must be not exceed six (6) feet in height. As a Condition of Approval, Staff will require that the applicant adjust their fence height to meet this requirement. Furthermore, the Regulations state that "Outdoor dog runs or exercise pens shall be located at least two hundred (200) feet from a residential use or district." Staff has confirmed that this regulation can be found met.

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." Given that the closest neighbor is Menards, which is both a daytime and commercial use, Staff believes that this Standard can be found met. As a Condition of Approval, Staff will require a more detailed site plan that shows how the two northern exercise areas will be accessed by the animal kennel staff and the boarded dogs. Additionally, the Planning Division will recommend that the paths leading to the kennel specific outdoor areas be completely fenced in so Staff does not have to manage multiple dogs on leashes at once, and they can be let to run or play straight from the indoor area.

The Planning Division's primary question regarding this application are the outdoor exercise areas on the existing pavement. Staff has concerns that the dog runs might get very messy and cause drainage issues if not managed properly. The project's veterinarians have provided rationale for the pavement, which is included in Attachment 1. A proposal for an animal day care went before the Plan Commission on January 29, 2018, and the Commission required a Condition of Approval that the outdoor dog relief area have some sort of artificial turf to minimize the waste run-off to adjacent properties. For this new proposal, the applicant and veterinarians are adamant about keeping the pavement for both dog safety and to minimize mess from rain or other outdoor elements. They believe that because all the outdoor exercise areas drain into an on-site water detention area, there will be no runoff to adjacent properties. The Planning Division has concerns about the waste runoff into the water detention area in the north west corner of the site and believes that some sort of turf would help mitigate the runoff by absorbing wet waste. According to the City's Engineering Department, there are no requirements that these outdoor runs follow the stormwater practices, and if these runs are made of pavement or natural turf, they can drain as is. If the applicant were to sod the runs with some sort of artificial turf and have a point discharge system, it would go to the sanitary sewer line.

To address these issues, the applicant has ensured that they will bag solid waste material with compostable bio-bags to control odor. These bags will be placed in a dumpster with other waste that would be picked up weekly to biweekly as needed to control for hygiene and odor. The applicant has also indicated that because of the onsite detention area in the north west corner of the site, runoff to adjacent properties would be minimized. City Engineering has confirmed that if the dog exercise areas use the existing pavement, the water can drain as is and no other sanitary measures need to be implemented.

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 M.G.O. §28.183(9)(d). At the time of report writing, staff was not aware of any neighborhood concerns on this request.

The Planning Division believes that the proposed animal boarding facility at 437 S. Junction Road can meet the standards of approval for a conditional use.

## Recommendation

### Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the approval standards for a Conditional Use are met and **approve** the request for an animal boarding facility in CC (Commercial Corridor) district zoning at 437 S. Junction Road. This request is subject to the input at the public hearing and the conditions recommended by other reviewing agencies.

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

#### Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. The applicant shall adjust the fence height for the outdoor exercise areas to be six (6) feet in height in order to comply with M.G.O. §28.151 Supplemental Regulations for Animal Facility, Kennel, Animal Shelter.
2. The applicant shall submit a site plan that shows how the two northern exercise areas will be accessed by the animal kennel staff and the boarded dogs. The access area shall be fenced in to ensure that no dogs get loose from the exercise areas.

#### Engineering Division - Main Office (Contact Tim Troester, (608) 267-1995)

3. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO16.23(9)(d)(4))
4. The Applicant shall submit, prior to plan sign-off but after all revisions have been completed, a digital CAD file (single file) to the Engineering Division with any private storm and sanitary sewer utilities. The digital CAD file shall be to scale and represent final construction. The CAD file shall be in a designated coordinate system (preferably Dane County WISCRS, US Ft). The single CAD file submittal can be either AutoCAD (dwg) Version 2013 or older, MicroStation (dgn) V8i Select Series 3 or older, or Universal (dxf) format and shall contain the only the following data, each on a separate layer name/level number:
  - a) Building Footprints
  - b) Internal Walkway Areas
  - c) Internal Site Parking Areas
  - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e) Right-of-Way lines (public and private)
  - f) Lot lines or parcel lines if unplatted
  - g) Lot numbers or the words unplatted
  - h) Lot/Plat dimensions
  - i) Street names
  - j) Private on-site sanitary sewer utilities (including all connections to public sanitary)
  - k) Private on-site storm sewer utilities (including all connections to public storm)

All other levels (contours, elevations, etc) are not to be included with this file submittal.

NOTE: Email CAD file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). Include the site address in the subject line of this transmittal. Any changes or additions to the location of the building, sidewalks, parking/pavement, private on-site sanitary sewer utilities, or private on-site storm sewer utilities during construction will require a new CAD file.

5. The applicant shall submit, prior to plan sign-off but after all revisions have been completed, digital PDF files to the Engineering Division. Email PDF file transmissions are preferred to: [bstanley@cityofmadison.com](mailto:bstanley@cityofmadison.com) (East) or [ttroester@cityofmadison.com](mailto:ttroester@cityofmadison.com) (West). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information:
  - a. Building Footprints
  - b. Internal Walkway Areas
  - c. Internal Site Parking Areas
  - d. Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
  - e. Right-of-Way lines (public and private)
  - f. Lot lines or parcel lines if unplatted
  - g. Lot numbers or the words unplatted
  - h. Lot/Plat dimensions
  - i. Street names
  - j. Stormwater Management Facilities
  - k. Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).
6. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 5.0 tons per acre per year.

**Engineering Division - Mapping** (Contact Jeffrey Quamme, (608) 266-4097)

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

**Traffic Engineering Division** (Contact Sean Malloy, (608) 266-5987)

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

**Zoning** (Contact Jenny Kirchgatter, (608) 266-4569)

7. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Show the dimensions of the accessible stalls. An accessible stall is a minimum of 8 feet wide with a five-foot wide access aisle, and a van accessible stall is a minimum of 8 feet wide with an 8-foot wide striped access aisle. Show the required signage at the head of the stalls.
8. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of seven (7) short-term bicycle parking stalls located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located 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.

9. Submit the landscape plan and landscape worksheet stamped by the registered landscape architect. Per Section 28.142(3) Landscape Plan and Design Standards, landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.
10. Provide adequate interior parking lot landscaping per Section 28.142(6). For changes to a developed site, a minimum of five percent (5%) of the asphalt or concrete area shall be interior planting islands, peninsulas, or landscaped strips. A planting island shall be located at least every twelve (12) contiguous stalls with no break.
11. Label the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
12. Provide details for the dog play yards, including layout of the enclosures, access to the enclosures from the building, and fencing materials. Provide elevations for the proposed 10' x 12' shed.
13. 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.
14. 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. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

**Fire Department** (Contact William Sullivan, (608) 261-4289)

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

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

15. The applicant shall construct a wheelchair accessible pedestrian connection between the building entrance and the existing public sidewalk along the South Junction Road property frontage.
16. The applicant shall include the location of these transit accessibility amenities on the final documents filed with their permit application so that Metro Transit may review and approve the design.

17. Metro Transit operates daily transit service along South Junction Road between Mineral Point Road and Watts Road. Bus stop ID #6445 and #6863 are south of the proposed project site at the intersection of South Junction Road and Watts Road.

**Parks/Forestry** (Contact Kathleen Kane, (608) 261-9671)

18. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – [bhofmann@cityofmadison.com](mailto:bhofmann@cityofmadison.com) or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
19. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall

install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.

**Water Utility** (Contact Adam Wiederhoeft, (608) 266-9121)

20. Note that records indicate deferred water main assessments exist against this parcel (2004 original assessment of \$14,778.14, 6% interest). Improvements which substantially change the use of the property may require any outstanding deferred assessments to be paid in full prior to proceeding with the proposed improvements (MGO 4.081(4)). Please contact Wendy Murkve of the City of Madison Finance Department to review the status of the deferred water main assessment associated with this property - Phone: (608) 266-4008 - Email: [wmurkve@cityofmadison.com](mailto:wmurkve@cityofmadison.com).

21. A private well may have served this parcel prior to the municipal water service connection. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 266-4654 to schedule an on-site private well survey prior to proceeding with proposed improvements, otherwise for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.
22. The Utility/Site Plan(s) shall be revised to show all existing public water mains, valves, hydrants and service laterals in the project area as well as identify the diameters of the existing water mains and laterals.
23. Contact the Water Utility Meter Department at (608) 266-4765 prior to proceeding with proposed improvements verify status of existing water meter/service account.
24. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.
25. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.



# \* ATTACHMENT I \*

Our runs will be on pavement. There is no one right surface for dog runs. Standard for dog runs have moved away from grass because this quickly turns to mud and muck. The balance between dog safety, hygiene and environmental concerns means a hard surface is the best choice. This will better allow for feces to be quickly and fully picked up preventing runoff.

We have seen rare injury from dogs entering a daycare such as torn nails or pads. This is typically when they first start for a small minority of dogs, when they are getting used to the dramatic increase in their play. Their nails wear and their pads thicken quickly. We have not observed any difference between grass, pavement, artificial turf and rock or gravel surfaces in number or severity or type of injury in our over 35 years of combined experience practicing veterinary medicine. Soft surface does not tend to toughen the pads or wear the nails so those injuries can continue. While astro turf seems like a good alternative, our research and experience shows this surface is very similar to pavement to a dog's pads, and in some cases can be worse. Just ask a football player. We are exploring different types of astroturf or rubber padding for parts of the runs in the future to make sure we can provide the best for our daycare.

We will not have any overnight staff. This is standard of care for boarding in this area. Facilities that have overnight staff have them for sleeping with a pet in a special suite. They are not for monitoring or caring for general boarders. We will have surveillance cameras to be able to monitor and address any problems or concerns. These will be viewed daily as needed.

We have continued to research and contact local waste removal companies. We have found that separate dumpsters for fecal matter is not standard of care and can make odor more of a problem. We will surpass standard of care with bagging solid waste material (using composting bio-bags) to control odor, placing in a dumpster with other waste that is picked up weekly to biweekly as needed for hygiene and odor. We will have separate dumpster for recycling.

Compassionate Veterinary Care

Dr. Kietra Kay  
Dr. Mia Hospel