

PLANNING DIVISION STAFF REPORT

April 23, 2018



PREPARED FOR THE PLAN COMMISSION

Project Address: 2318 Mustang Way (District 16 - Ald. DeMarb)
Application Type: Conditional Use
Legistar File ID # [50872](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Contact: Lori Prechel; North Paw LLC; 1125 Bultman Road; Madison, WI 53704

Property Owner: Park Point Homes, Inc.; PO Box 81; Waunakee, WI 53597

Requested Action: The applicant requests conditional use approval to convert an existing building into an animal day care and animal boarding facility in IL (Industrial Limited) district zoning.

Proposal Summary: The applicant proposes to establish an animal day care and animal boarding facility in an existing building. The applicant is also proposing a fenced dog run in the rear of the site.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183], as *animal day cares* and *animal boarding facilities* are conditional uses in IL zoning. The Supplemental Regulations [MGO §28.151] contain further regulations for these uses.

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 day care and animal boarding facility in IL (Industrial Limited) zoning at 2318 Mustang Way. 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 Mustang Way near Reef Court. It is in Aldermanic District 16 (Ald. DeMarb) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The proposed animal day care is in a 4,760 square-foot existing building. According to the City Assessor's Office, the total subject site is 26,292 square-feet (0.60 acres).

Surrounding Land Use and Zoning:

North: A variety of commercial and industrial uses, zoned IL (Industrial Limited);

South: Two vacant lots, zoned IL, with commercial uses, zoned IL and SE (Suburban Employment) beyond;

East: A UPS Customer Center, zoned IL; and

West: A variety of commercial and industrial uses, zoned IL

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends Industrial for the subject site. There is no adopted neighborhood plan for the subject site.

Zoning Summary: The project site is currently zoned Industrial Limited (IL).

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	26,292 sq. ft.
Lot Width	75'	100'
Front Yard Setback	None	Adequate
Side Yard Setback	None if adjacent to property zoned IL or IG	Adequate
Rear Yard Setback	30'	Adequate
Maximum Lot Coverage	75%	Less than 75%
Maximum Building Height	None	1 story existing building
Number Parking Stalls	No minimum required	15
Accessible Stalls	1	1 (7)
Loading	None	None
Number Bike Parking Stalls	Animal daycare: 1 per 5,000 sq. ft. floor area Animal boarding facility: 1 per 2,000 sq. ft. floor area (2 minimum)	None (8)
Landscaping and Screening	Not required	Existing landscaping (9)
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building
Other Critical Zoning Items		
Yes:	Barrier Free (ILHR 69), Utility Easements	
No:	Historic District, Floodplain, Adjacent to Park, Wetlands, Wellhead Protection District, Urban Design	

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.

Project Description

The applicant, North Paw LLC, proposes to establish an animal day care and animal boarding facility in an existing commercial building. According to M.G.O. §28.211, an *animal day care* is defined as, “an establishment that provides care of dogs and other domestic pets for periods of less than twelve (12) hours a day.” Furthermore, an *animal boarding facility, kennel, animal shelter* is defined 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 would be raised for sale on this site.

In the letter of intent, the applicant included written operating procedures for the facility including information on animal supervision, animal waste disposal and clean up, and animal exercise techniques. In addition to animal boarding for dogs, the proposed facility would provide animal day care services from 6:30 am to 6:30 pm Monday through Friday and from 9:00 am to 4:00 pm Saturday and Sunday. The facility would have no more than five (5) employees and anticipates to have between 15 and 30 dogs daily.

According to the applicant, there would be 10 boarding spaces of three different sizes to accommodate different amounts of dogs, with a capacity for 22 kenneled dogs total. As proposed, there would be between one (1) and three (3) small dogs, from the same family, in each kenneled space. The kenneled spaces are labeled as DayCare3 on the submitted floor plan. At the time of submittal, the applicant did not propose to have any overnight staff for the boarding facility. As proposed, there would be security cameras monitoring the boarded dogs and the dogs would not be left alone for more than nine (9) hours per night. The applicant indicated to Planning Staff that there may be an overnight employee in the future, which is a permitted use.

According to the site plan, there would be a 7,617 square-foot dog run off the rear of the building on the existing grass outlot. As proposed, the applicant intends to level the existing yard space, and add some gravel, wooden lounge areas, and small patches of artificial grass. The applicant has indicated that these yard additions are for cleanliness purposes and to provide the dogs with a variety of play environments. The outdoor run would have direct access to the inside of the building. Furthermore, the applicant indicated that all outdoor animal waste would be picked up and disposed of frequently throughout the day. The waste would be disposed into two on-site dumpsters that would be picked up on a weekly basis.

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 generally consistent with the recommendations in the [Comprehensive Plan \(2006\)](#). While the proposed use is not technically an industrial use, Staff believes that this site is an appropriate location for an animal day care and animal boarding facility given the lack of residential properties in the surrounding area.

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." Staff believes that this standard can be found met given the variety of commercial and industrial daytime uses surrounding the site.

Supplemental Regulations

According to Table 28F-1 in M.G.O. §28.082(1) an *animal boarding facility, kennel, animal shelter* and *animal day care* must adhere to the Supplemental Regulations found in M.G.O §28.151. For an animal boarding facility, kennel, animal shelter the Supplemental Regulations state that the outdoor runs or exercise pens shall be located at least two hundred (200) feet from a residential use or district, and that 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. Staff can confirm that these Supplemental Regulations can be found met. There are no residential uses or districts within two hundred (200) feet of the subject site, and the applicant has indicated that there would be a six (6) foot high wood privacy fence to screen the outdoor dog run.

Furthermore, for an animal day care, the supplemental regulations state that applicants shall submit at the time of permit application written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). 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. Staff believes this Supplemental Regulation can be found met. In the letter of intent, the applicant detailed normal business operations, outside activities, and waste removal protocol.

Conclusion

The Planning Division believes that the proposed animal day care and animal boarding facility at 2318 Mustang Way can meet the standards of approval for a conditional use and recommends that the Plan Commission approve the request, subject to input at the public hearing and comments from reviewing agencies.

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). At the time of report writing, staff was not aware of any neighborhood concerns on this request.

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 day care and animal boarding facility in an existing building in IL (Industrial Limited) district zoning at 2318 Mustang Way. 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

Engineering Division - Main Office (Contact Brenda Stanley, (608) 231-9127)

1. This site will disturb 4,000 sf or more of land area and require an Erosion Control Permit. Please submit the Erosion Control Permit Application (with USLE calculations and associated fee) to Jeff Benedict, City Engineering, for approval.

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

2. The site plan shall identify lot and block numbers of recorded Plat and provide the dimensions of the Lot lines.
3. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
4. The primary entrance for North Paw will be the south entry door facing Mustang Way. Therefore, the site address is 2320 Mustang Way. The north door address 2318 number will be inactivated and those numbers should be removed from the building. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.

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

5. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii;

and percent of slope.

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

6. Submit a fully dimensioned site plan, including lot line dimensions, building dimensions, and existing building setbacks to the side property lines.
7. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the dimensions of the required van accessible stall. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle or 11 feet wide with a 5 foot wide access aisle. Show the required signage at the head of the stall.
8. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of two (2) 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. Provide a detail of the proposed bike rack.
9. Show 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. Submit a detail of the trash enclosure.
10. Provide details of the outdoor dog run and play area, including the location and size of the various ground surface areas (grass, gravel, and artificial grass).
11. Submit the written operating procedures for the animal daycare, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). 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.
12. 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.
13. 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)

14. Extend the fire sprinkler system to areas that encompass a Level II Alteration (remove, adding, walls, ceilings or openings). A permit maybe necessary to remove any remaining alternative fire suppression systems and removal/modifying the existing fire sprinkler system.

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

15. 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 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. Please add the city street tree in the left front terrace (13" Maple) to the plans.

16. 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.