

PLANNING DIVISION STAFF REPORT

November 17, 2025

PREPARED FOR THE PLAN COMMISSION



Project Address: 1440 East Washington Avenue (District 6 – Alder Mayer)
Application Type: Conditional Use
Legistar File ID # [90344](#)
Prepared By: Colin Punt, AICP, Planning Division
Report includes comments from other City agencies, as noted.
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Decker Slowey; Ka-Tet LLC; 6461 Tuscobia Trl; McFarland, WI 53558

Contact: Jessica Gebhardt; The Kubala Washatko Architects; W61N617 Mequon Ave; Cedarburg, WI 53012

Owner: Miguel Nunez; 2141 S Robinson Ave, #303; Milwaukee, WI 53207

Requested Action: The applicant is seeking approval of a conditional use for general retail in a TE zoning district per §28.082(1) MGO.

Proposal Summary: The applicant is seeking approvals to operate a general retail business in an existing commercial building.

Applicable Regulations & Standards: Standards for conditional use approval are found in §28.183(6) MGO.

Review Required By: Urban Design Commission (Secretary's Review), Plan Commission

Summary Recommendations: The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional uses for general retail at 1440 East Washington Avenue subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning on page 5.

Background Information

Parcel Location: The subject site is 3,219 square feet and located on the northwest side of East Washington Avenue between the Wisconsin and Southern Railroad and Sparkle Court. The site is within Alder District 6 (Alder Mayer), Urban Design District 8, and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site is currently occupied by a two-story commercial building constructed in 1939. The building shares a party wall with the building to the northeast. The southwest portion of the triangular-shaped site is occupied by a driveway and surface parking.

Surrounding Land Uses and Zoning:

Northeast: A two-story commercial building zoned TE;

Northwest: Surface parking lots and Wisconsin & Southern RR, all zoned TE;

Southwest: A parking lot and Wisconsin & Southern RR, with two-story office building beyond, all zoned TE; and

Southeast: Across East Washington Avenue, a one-story industrial building and surface parking lot, both zoned TE.

Adopted Land Use Plan: The [Comprehensive Plan](#) (2023) recommends Neighborhood Mixed Use (NMU) for the site. The [Tenney-Lapham Neighborhood Plan](#) (2008) recommends employment uses, but notes that some neighborhood-serving buildings can be located on this block. The [East Washington Avenue Capitol Gateway Corridor Plan](#) (2008) recommends a mix of employment and residential on this block, with potential ground-floor retail and services along the East Washington Avenue frontage.

Zoning Summary: The subject property is zoned TE (Traditional Employment district):

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	3,219 sq. ft.
Lot Width	50'	>50'
Front Yard Setback	0' or 5'	Adequate
Max. Front Yard Setback: TOD	20'	Adequate
Side Yard Setback: Other cases	None unless needed for access	Existing side yard
Rear Yard Setback	Lesser of 20% lot depth or 20'	Existing rear yard
Maximum Lot Coverage	85%	Existing lot coverage
Minimum Building Height: TOD	2 stories/22' measured to building cornice	2 story existing building
Maximum Building Height	5 stories/68'	2 story existing building

Site Design	Required	Proposed
Number Parking Stalls	Not required: TOD	None
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Not required	None
Loading	Not required	None
Number Bike Parking Stalls	General retail: 1 per 2,000 sq. ft. floor area (2 minimum)	2 (see Zoning comment 2)
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Form and Design	Not required	Existing building

Other Critical Zoning Items	Urban Design (UDD 8), TOD Overlay, Utility Easements, Barrier Free (ILHR 69)
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Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services.

Project Description

The applicant is seeking approvals for a conditional use for general retail. According to the letter of intent, the products available at the store will be a mix of hemp products, clothing, and gifts. Smoking accessories and nicotine vapes will be provided but limited to less than 20% of the floor and display space so that the store will not be a Tobacco Retailer under the Zoning Code definitions.

Submitted plans note that the first floor has 1,530 square feet of interior space, with all improvements shown on the plans existing and no additional construction planned. Exterior doors at the front (East Washington Avenue) and rear (toward the parking lot). All proposed additions to the space are limited to product display stands, shelves, and racks, and customer service counters. According to the letter of intent, the upper floor will be used for storage for seasonal products. The proposed hours of operation are 10 a.m. to 11 p.m. Sunday through Wednesday and 10 a.m. to 12 a.m. Thursday through Saturday. It is anticipated that two employees be present at any given time.

There are no changes proposed to the exterior of the building or to the site, with the exception of the addition of two bicycle parking stalls as required by zoning and new signage, which is not part of this application and not before the Plan Commission for approval.

Analysis

This request is subject to the standards for conditional uses. This section begins with a summary of adopted plan recommendations, then reviews the conditional use standards, includes a description of Urban Design Commission actions, and ends with a review of public input.

Consistency with Adopted Plans

The [Comprehensive Plan](#) (2023) recommends Neighborhood Mixed Use (NMU) for the site. The NMU category includes relatively small activity centers that include residential uses, as well as retail, restaurant, service, institutional, and civic uses primarily serving nearby residents. The general scale of buildings in NMU areas is two to four stories in height, with residential densities of up to 70 units per acre. The site is also within the boundaries of the [East Washington Avenue Capitol Gateway Corridor Plan](#) (2008) and the [Tenney-Lapham Neighborhood Plan](#) (2008). The [Tenney-Lapham Neighborhood Plan](#) recommends employment uses for the site and that any redevelopment be consistent with the historical character and architecture of the area, but notes that some neighborhood-serving buildings can be located on this block. The [East Washington Avenue Capitol Gateway Corridor Plan](#) recommends a mix of employment and residential on this block, with potential ground-floor retail and services along the East Washington Avenue frontage. Staff believe the request is consistent with the recommendations of the City's adopted plans.

Conditional Use Standards

The applicant is requesting approval of a conditional use for general retail in the TE zoning district. In regard to conditional use approval standards, 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.

§28.183(6) M.G.O. lists sixteen approval standards, of which not all are applicable to every conditional use. For this request, Standards 7 and 9-16 do not apply, while standards 1-6 and 8 are applicable. Staff believes that the Plan Commission can find standards 1-6 and 8 to be met, but this report provides additional staff analysis regarding standards 3, 4, and 8.

In regard to standard 3, which states that “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,” other small-scale customer-serving commercial businesses existing in the area, including in the adjacent building, and staff do not anticipate significant impacts on the surrounding properties.

In regard to standard 4, which states that “The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district,” while the adopted plan recommendations envision redevelopment of this area for a mix of uses, potentially at greater intensities than currently exist, staff do not believe the establishment of this conditional use would impede the eventual implementation of the recommendations of those plans.

Approval standard 8 states that “When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation.” This proposal is located within Urban Design District 8, as detailed below, but because there are no proposed exterior changes proposed beyond the addition of bicycle parking and signage, staff believes the Plan Commission can find this standard to be met.

Urban Design Commission

The site is within Urban Design District 8, but the applicant is proposing no exterior changes to the building beyond standard signage reviewed through a separate administrative process. As such, the UDC Secretary has administratively reviewed the proposal and has not identified any concerns.

Public Input

At time of report publication, staff are unaware of any written public comment. If received, any written comments will be posted to the legislative file for this request.

Conclusion

When considering the recommendations of the Comprehensive Plan and other adopted plans, Staff believes that all applicable standards of approval for conditional uses can be found to be met, including standards 3, 4, and 8, as discussed above.

Recommendation

Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional uses for general retail at 1440 East Washington Avenue subject to input at the public hearing and the conditions recommended by the reviewing agencies below.

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

Zoning Administrator (Contact Jenny Kirchgatter, 608-266-4429)

1. Submit a detailed first floor and second floor plan to verify that tobacco products or tobacco paraphernalia will occupy less than 20% of the floor area or display area. On the floor plans, show the locations of the tobacco products and paraphernalia and percentage of the floor area or display area that they will occupy. Provide additional information regarding the display racks, counters, cases and shelves including dimensions (length, width, and height) and number of shelves.
2. Submit a bike rack detail showing the model of bike rack to be installed.
3. Work with Zoning staff to establish a project completion date. 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.
4. 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.

City Engineering Division – Mapping Section (Contact Jeff Quamme, 608-266-4097)

5. Identify on the plans the lot and block numbers of Lots 14 and 15, Block 223 of Farwell's Replat of Blocks 165- 240. Refer to survey by Isthmus Surveying 2016-01343 at the Dane County Surveyor's Office.
6. The site plan shall include all lot/ownership lines, existing building locations, parking stalls, driveways, sidewalks, existing and proposed signage. The parking stalls within the lease per Doc No 5909763 serving this building shall be shown.
7. Provide a full and complete legal description of the site or property being subjected to this application on the site plan. See Doc No. 5909763.
8. Parking for this building is provided by a lease of adjacent City of Madison lands per Document No. 5909763. The site plan shall show and note this accordingly.

Parking Utility (Contact Trent Schultz, 246-5806)

9. A Transportation Demand Management (TDM) Plan is required for the proposed change of use project, based on the tenant space square footage (1,736 sq. ft.) and assigned parking stalls (5). Approval of a TDM Plan is required for this project, per MGO 16.03. The applicant shall submit a TDM Plan to tdm@cityofmadison.com. Applicable fees will be assessed after the TDM Plan is reviewed by staff.

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