

# PLANNING DIVISION STAFF REPORT

February 16, 2026



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 942-963 Rise Lane and 969-979 North Fair Oaks Avenue (District 12 – Alder Matthews)

**Application Type:** Conditional Use

**Legistar File ID #** [91406](#)

**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:** Mike Slavish; Wisconsin Housing Preservation Corp; 150 E Gilman St #1500; Madison, WI 53703

**Contact:** Kevin Burow; Knothe & Bruce Architects; 8401 Greenway Blvd #900; Middleton, WI 53562

**Requested Action:** The applicant is seeking approval of a major alteration to an existing conditional use to approve alternative district boundary screening per §28.142(8) MGO.

**Proposal Summary:** The applicant is seeking approval for a non-solid decorative fence in place of the required district boundary screening requirements at 942-963 Rise Lane and 969-979 North Fair Oaks Avenue.

**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 use alteration request for 942-963 Rise Lane and 969-979 North Fair Oaks Avenue subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning on page 4.

## Background Information

**Parcel Location:** The subject site is 6.38 acres and located east of the intersection of East Washington Avenue and North Fair Oaks Avenue. The site is within Alder District 12 (Alder Matthews), Urban Design District 5, and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The property is zoned CC-T and developed with a five-story mixed use building with 77 dwelling units and 4,350 square feet of commercial space, a five-story 110-unit building, a three-story 46-unit building, and two-story 12-unit building, all completed in 2025.

### Surrounding Land Uses and Zoning:

**North:** Across East Washington Avenue, One- and two-story office buildings zoned CC-T- (Commercial Corridor-Transitional District);

**West:** Across Fair Oaks Avenue and Wright Street, One- and two-story office buildings zoned CC-T (Commercial Corridor-Transitional District);

**South:** Hawthorne Elementary School and single-family residences zoned TR-C1; and

**East:** Hawthorne Elementary School zoned TR-C1, a two-building 50-unit apartment complex zoned SR-V2, and a one-story commercial building zoned CC-T.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2023) recommends Community Mixed Use (CMU) for the site. The [Northeast Area Plan](#) (2024) generally includes the same general recommendations for this site.

**Zoning Summary:** The subject property is zoned CC-T (Commercial Corridor - Transitional District):

**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, including at BRT stop on East Washington Avenue at Fair Oaks and Wright

**Previous Approvals:** The existing development (Legislative ID [71657](#) and [72188](#)) was approved by the Plan Commission on July 11, 2022 and the Common Council on July 19, 2022. The four-building, 245-dwelling unit development with over 4,000 square feet of commercial space was approved with the zoning requirement for screening along zoning district boundaries found in §28.142(8) MGO.

## Project Description

The applicant is requesting relief from a Zoning Code requirement for district boundary screening along the adjacent properties zoned TR-C1 and SR-V2, which is also reflected in recommended condition 5 from the original 2022 approval of the development:

5. Screening is required adjacent the Zoning district boundary along the side and rear property lines. Screening shall be provided along side and rear property boundaries between commercial/mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Submit a detail of the screening fence with the final plans.

In the original proposal, the applicant proposed a solid wood fence that was replaced with a black ornamental aluminum fence during construction. The applicant requests the conditional use alteration to allow the fence to remain as installed. In partial replacement of the screening fence, the applicant has provided plans showing changes to the landscape plan showing more understory trees and deciduous shrubs planted along the fenceline than what was shown in the plan originally approved by the Plan Commission.

## 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, Urban Design Commission considerations, reviews of public input, and ends with a conclusion.

### Consistency with Adopted Plans

The [Comprehensive Plan](#) (2023) recommends Community Mixed Use (CMU) for the site. CMU areas include a relatively high-intensity mix of residential, retail, office, institutional, and civic uses, generally located adjacent to a major transportation corridor. New development is expected to be two to six stories in height, with residential

densities up to 130 units per acre. The [Northeast Area Plan](#) (2024) generally includes the same general recommendations for this site with the additional recommendations of a five-story height limit and a first-floor commercial core node located at the intersection of East Washington Avenue, North Fair Oaks Avenue, and Wright Street. Staff believes the proposal can be founded to be consistent with the recommendations in the City's adopted plans.

### **Conditional Use Standards**

The applicant is requesting approval of a major alteration to an approved conditional use for relief from district boundary screening requirements. Regarding 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) MGO 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.

§28.142(8), MGO, the section for which the applicant seeks relief via this requested conditional use alteration, states that "screening must be provided along side and rear property boundaries between commercial, mixed-use, or industrial districts and residential districts. That section requires that screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height screening shall not exceed four (4) feet in height. *For conditional uses, the Plan Commission may modify these requirements.*" In this case, this requirement applies to the south and east boundaries of the site, as well as a small portion (about 80 feet) of the northeast boundary.

§28.183(6), MGO 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, 2, and 4-6 to be met, and this report provides additional staff analysis regarding standards 3 and 8.

Staff provides the following comments regarding approval standard 3, which reads "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 the letter of intent, the applicant argues that much of the installed fence is abutting the Hawthorne Elementary School, and much of the section of the applicant's property along the fence is utilized for walking paths, outdoor recreation, and play areas, making the activities on both sides of the fence quite similar. The applicant also notes the new Rise multifamily buildings are located well away from the fencing resulting in this fencing providing vistas of green space, plantings, and landscaping. Because the majority of the perimeter of the Rise apartments site that abuts residentially-zoned lands, of which Hawthorne Elementary School is the great majority of the linear distance, is open space and landscaping, and the remaining portion of the boundary faces the utility uses supporting another apartment building, Staff do not believe the uses, values, and enjoyment of the surrounding properties will be impaired or diminished by the ornamental fence in any way different than the solid wooden fence. Staff therefore believe the Plan Commission can find standard 3 to be met.

Staff also notes considerations with regard to standard 8, which states, in part, that "...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..." Staff note that, as indicated below, the UDC Secretary has reviewed this request and has not identified any issues with regard to the UDC's previous approvals, and that the ornamental fence is generally more attractive than the previously approved solid wood fence. As such, Staff believe the Plan Commission can find standard 8 to be met.

## Urban Design Commission

The UDC Secretary has reviewed this request and has not identified any issues with regard the UDC's previous approvals.

## Public Input

At time of report publication, staff have received one written public comment, which has been posted to the legislative file for this request. Any additional comments will be added as they are received.

## Conclusion

When considering the recommendations of the Comprehensive Plan and Area Plan and the discussions regarding conditional use standards 3 and 8, Staff believes that all applicable standards of approval for conditional uses can be found to be met and the requested alteration to the conditional use can be approved.

## 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 use alteration request for 942-963 Rise Lane and 969-979 North Fair Oaks 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

### City Engineering Division (Contact Brenda Stanley, 608-261-9127)

1. According the Wisconsin Department of Natural Resources (WDNR) Bureau of Remediation and Redevelopment Tracking System (BRRTS) database, this site has been investigated for contamination and currently has continuing obligations (#03-13-178356 Gardner Baking Co) . However, there is a pending request for postclosure modification with the WDNR because all known contaminated soil has been removed during redevelopment activities. If residual contamination is encountered during the installation of the fence, follow all WDNR and Department of Safety and Professional Services (DSPS) regulations for proper reporting, handling, and disposal.

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

2. The applicant shall adhere to all vision triangle requirements as set in MGO 27.05 (No visual obstructions between the heights of 30 inches and 10 feet at a distance of 25 feet behind the property line at streets and 10 feet at driveways.). If applicant believes public safety can be maintained they shall apply for a waiver of MGO 27.05(2)(bb) - Vision Clearance Triangles at Intersections Corners. Approval or denial of the waiver shall be the determination of the City Traffic Engineer. Contact Jeremy Nash with Traffic Engineering at 608-266-6585 or jnash@cityofmadison.com to begin waiver process.

*The Planning Division, Office of the Zoning Administrator, Fire Department, Parks Division, Water Utility, Metro Transit, City Assessor, City Engineering Division – Mapping Section, and Parking Utility have reviewed this request and have recommended no conditions of approval.*