

PLANNING DIVISION STAFF REPORT

July 25, 2022



PREPARED FOR THE PLAN COMMISSION

Project Address: 437 S Yellowstone Drive (District 19 – Ald. Furman)

Application Type: Conditional Use

Legistar File ID # [72201](#)

Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Reviewed By: Kevin Firchow, AICP, Planning Division

Summary

Applicant: Donna Hart-Tervalon; Hart Beat Boutique, LLC; 7285 Fountain Circle; Middleton, WI 53562

Contact: Konrad C/ Opitz; Opitz Realty; 502 N Eau Claire Avenue; Madison, WI 53705

Property Owner: Opitz Real Estate Limited Partnership; 502 N Eau Claire Avenue; Madison, WI 53705

Requested Action: Consideration of a conditional use to establish a retail use in an existing multi-tenant commercial building on a property zoned Suburban Employment (SE) District at 437 S Yellowstone Drive.

Proposal Summary: The applicant proposes to establish an exclusive women’s clothing boutique in one of the tenant spaces within the existing multi-tenant commercial building.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as Table 28F-1 in MGO §28.061 lists *general retail* as a conditional use in the Suburban Employment (SE) Zoning District. The Supplemental Regulations [MGO §28.151] contain further regulations for this use.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for conditional uses are met and **approve** the request to establish a retail use in an existing multi-tenant commercial building on a property zoned Suburban Employment (SE) District at 437 S Yellowstone Drive. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 64,770-square-foot (1.55-acre) project site is located to the northeast of the intersection of S Yellowstone Drive and Enterprise Lane. The site is within both Alder District 19 (Ald. Furman) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject parcel contains a two-story, roughly 24,700-square-foot, multi-tenant commercial building. City Assessor records state that the building was constructed in 1986. The subject site takes access from both S Yellowstone Drive as well as Enterprise Lane. Automobile parking is located on both the north and south sides of the building with a total of 84 stalls. A two-way drive aisle, located to the east of the building, connects them.

Surrounding Land Use and Zoning:

- North:** A 104-unit retirement home, in the Suburban Employment (SE) District;
- East:** A two-story, multi-tenant office building, zoned SE;
- South:** Across Enterprise Lane are one- and two-story, multi-tenant office buildings; and
- West:** Across S Yellowstone Drive is a two-story, multi-tenant office building, zoned SE.

Adopted Land Use Plan: The [2018 Comprehensive Plan](#) recommends Employment (E) for the subject property. The [Odana Area Plan](#) (2021) recommends Medium Residential (MR) uses for the subject site while the [Southwest Neighborhood Plan](#) (2008) makes no specific land use recommendations for the site.

Zoning Summary: The project site is currently zoned Suburban Employment (SE).

Requirements	Required	Proposed
Lot Area (sq. ft.)	20,000 sq. ft.	64,767 sq. ft.
Lot Width	65'	212'
Front Yard Setback	0' or 5	30' existing setback
Side Yard Setback	15' or 20% of building height	Adequate
Rear Yard Setback	30'	39' existing setback
Maximum Lot Coverage	75%	Existing lot coverage
Minimum Building Height	22' measured to building cornice	2 stories existing building
Maximum Building Height	5 stories/ 68'	2 stories existing building

Requirements	Required	Proposed
Number Parking Stalls	No minimum required	84 existing stalls
Accessible Stalls	Yes	2
Loading	Not required	Existing loading zone
Number Bike Parking Stalls	General retail: 1 per 2,000 sq. ft. floor area (2 minimum)	None <i>(See Comment #2)</i>
Landscaping and Screening	Not required	Existing landscaping <i>(See Comment #3)</i>
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building

Other Critical Zoning Items	Barrier Free (ILHR 69); Utility Easements
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Tables 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, Hart Beat Boutique, is requesting consideration of a conditional use to establish a retail use in the Suburban Employment (SE) District in order to add an exclusive women’s clothing boutique in one of the tenant spaces within the existing multi-tenant commercial building. The boutique will occupy a roughly 425-square-foot tenant space (Suite 115) on the building’s first floor. Other businesses in the building include a massage therapist, a certified public accountant, and graphic designer. Submitted materials state that no structural work is needed; only a few internal wall partitions will be added. Patrons will use the existing restrooms located across the hall. The applicant notes that the space is fully accessible and ADA compliant.

As for hours of operation, the applicant states that they will be Wednesday, Friday, and Saturday from 12:00 to 6:00 pm. Other hours will be available by appointment only.

Eighty-four automobile parking stalls are available on site – roughly 58 stalls on the north side of the building and 26 located on the south side. The site takes access from both Enterprise Lane as well as S Yellowstone Drive and the two parking areas are internally connected by the two-way drive aisle located to the east of the building.

Project Analysis and Conclusion

Conditional Use Standards

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 MGO §28.183(6) are met.

The [2018 Comprehensive Plan](#) recommends Employment (E) uses for the subject property while the [Odana Area Plan](#) (2021) recommends Medium Residential (MR) uses. While recognizing these recommendations, staff believes that the establishment of a retail use within this existing building could be found to be compatible with both plans. Staff does not anticipate that this conditional use would impact the ability for future employment or residential uses to be established in this area, consistent with plans.

Lastly, according to Table 28D-2 in MGO §28.061, *general retail* must adhere to the Supplemental Regulations found in MGO §28.151. The associated Supplemental Regulations are:

- a) *Except as allowed in (b), in the TE and SE Districts, general retail uses shall not exceed five thousand (5,000) square feet in floor area.*
- b) *Within employment districts, general retail uses shall not exceed ten thousand (10,000) square feet in floor area, unless such uses are part of a planned multi-use site.*

Staff believes that these Supplemental Regulations can be found met.

Conclusion

Staff believe the proposed retail use can be found to be compatible with adopted plans and will not prevent the subject site or those surrounding it from being utilized or redeveloping in the future with employment or residential uses, consistent with adopted plans. Staff therefore believes that the proposed retail use can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission, subject to input at the public hearing and comments from reviewing agencies.

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

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 261-9135)

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request to establish a retail use in an existing multi-tenant commercial building on a property zoned Suburban Employment (SE) District at 437 S Yellowstone Drive. This request is subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

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

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

1. Note: "Stop" signs shall be installed at a height of seven (7) feet from the bottom of the sign at all class III driveway approaches, including existing driveways, behind the property line. The existing site plan shows these signs, the applicant shall work with the property owner to have these signs installed.

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

2. Bicycle parking for the retail use shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). A minimum of two (2) short-term bicycle parking stalls is required. Bicycle parking shall be located in a convenient and visible area on a paved or impervious surface 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.
3. Verify the location of the refuse disposal area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. If the refuse disposal area is located outside the building, it 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 photo or detail of the trash enclosure if provided outside the building. Note that City issued trash containers are not required to be screened.
4. 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.
5. 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.

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