



PREPARED FOR THE PLAN COMMISSION

Project Address: 134 S Fair Oaks Avenue (District 6 – Ald. Benford)
Application Type: Conditional Use
Legistar File ID # [64747](#)
Prepared By: Sydney Prusak, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Isabel Bilek; Community Pharmacy; 341 State Street, Suite G; Madison, WI 53703
Contact: Ross Treichel; Sketchworks Architecture; 7780 Elmwood Avenue, Suite 208, Middleton, WI 53562
Property Owner: 134 Fair Oaks, LLC; 1010 E Washington Avenue, Suite 101; Madison, WI 53703

Requested Action: The applicant requests approval of two conditional uses to establish a general retail use and a market garden in the Traditional Employment (TE) Zoning District at 134 S Fair Oaks Avenue.

Proposal Summary: The applicant proposes to establish a general retail use (Community Pharmacy) with a market garden (herbal garden) within a mixed-use building.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183].

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use requests to establish a general retail use and market garden in the Traditional Employment (TE) Zoning District at 134 S Fair Oaks Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 58,511 square-foot (approximately 1.34-acre) subject site is located at the northwest corner of S Fair Oaks Avenue and Gateway Place. The site is within Aldermanic District 6 (Ald. Benford), Tax Increment Finance District #37, and the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is developed with a four-story mixed-use building, with 80 apartments and 2,500 square-feet of commercial space, which was approved by the Plan Commission in 2016. More information on that approval is available in the Legislative File linked [here](#).

Surrounding Land Use and Zoning:

North: A vacant parcel owned by Madison Gas & Electric, zoned Traditional Employment (TE) District;
East: Undeveloped portions of the Garver Feed Mill/Olbrich Park property, zoned Planned Development (PD) District;

South: A five-story mixed-use building (Garver Point), zoned TE District; and

West: Madison Kipp Corporation, zoned TE.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends Community Mixed-Use (CMU) for the subject site. The [Darbo-Worthington-Starkweather Neighborhood Plan \(2017\)](#) recommends continued Employment (E) uses for the subject site and that redevelopment of the site should be predominantly office, research and specialized commercial uses such as small, local, or start-up businesses. Lastly, the [Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan \(2000\)](#) makes no specific land use recommendations for the subject site.

Zoning Summary: The property is zoned Traditional Employment (TE) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	61,105 sq. ft.
Lot Width	50'	207.7'
Front Yard Setback	None	13.2'
Side Yard Setback	None	7.2', 13.5'
Rear Yard Setback	20'	21.7'
Maximum Lot Coverage	85%	66%
Minimum Building Height	22'	4 stories
Maximum Building Height	5 stories/68'	4 stories

Site Design	Required	Proposed
Number Parking Stalls	5	6
Accessible Stalls	1	1
Loading	No	No
Number Bike Parking Stalls	2	2
Landscaping	Yes	Existing, no change
Lighting	Yes	Existing, no change
Building Forms	Yes	Existing, no change

Other Critical Zoning Items	Utility Easements
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Tables Prepared by Jacob Moskowitz, 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 Madison Metro Routes 7, 5, and 15 serving the site.

Project Description, Analysis, and Conclusion

The applicant proposes to establish a general retail use (Community Pharmacy) and a market garden in an existing 2,200 square-foot tenant space within a mixed-use building. According to the letter of intent, the market garden will be used to grow herbs on site, which would be grown and maintained by their staff and sold exclusively to Community Pharmacy's clientele. The garden will be located outside along the northwest portion of the building.

As proposed, the hours of operation will be 10:00 AM to 6:00 PM Monday through Friday, 10:00 AM to 5:00 PM on Saturdays, and 10:00 AM to 5:00 PM on Sundays between November and December only. No exterior changes to the building are proposed with this application.

Conditional Use Standards

This proposal is subject to the standards for Conditional Uses [MGO §28.183]. 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. 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.

The Planning Division believes that the Conditional Use Approval Standards can be found met. Given that this proposal is for a general retail use and accessory market garden within an existing mixed-use building, it is not anticipated to diminish the uses, values, and enjoyment of other property in the neighborhood, nor impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

In regards to the adopted plan recommendations, the Planning Division believes that this proposal conforms to the Community Mixed-Use (CMU) recommendations in the [Comprehensive Plan \(2018\)](#), as the use will occupy a vacant commercial tenant space within a mixed-use building. Furthermore, this proposal is believed to conform to the [Darbo-Worthington-Starkweather Neighborhood Plan \(2017\)](#) recommendations for specialized commercial uses such as small, local, or start-up businesses at this site. Community Pharmacy is a small, local Madison business that will be relocating from their downtown State Street location.

Public Input

At the time of report writing, staff did not receive any public comment regarding this proposal.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, sprusak@cityofmadison.com)

The Planning Division recommends that the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use requests to establish a general retail use and market garden in the Traditional Employment (TE) Zoning District at 134 S Fair Oaks Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

1. Based on WDNR BRRS records #02-13-582878 FAIR OAKS NURSERY AND GARDEN CENTER, the property may contain residual contamination. If contamination is encountered, follow all WDNR and DSPS regulations for proper handling and disposal.
2. No Sanitary Comments(MDM)