

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of May 16, 2007**

RE: I.D. # 07469: Zoning Map Amendment I.D. 3296, rezoning 34 & 36 S. Fair Oaks Avenue from R4 to C1

1. Requested Actions: Approval of a request to rezone a nonconforming commercial/residential building located at 34 & 36 S. Fair Oaks Avenue from R4 (General Residence District) to C1 (Limited Commercial District).
2. Applicable Regulations: Section 28.12 (9) provides the process for zoning map amendments.
3. Report Prepared By: Timothy M. Parks, Planner.

GENERAL INFORMATION

1. Applicant & Property Owner: Thongpone Vanparavong; 3312 Wells Avenue Madison.

Agent: Daniel Knoethe; 1128 Water Street; Sauk City.
2. Development Schedule: The applicant wishes to begin construction once all regulatory approvals have been granted, with completion anticipated in March 2008.
3. Location: An approximately 4,221 square-foot parcel located at the southwesterly corner of S. Fair Oaks Avenue and Thorp Street; Aldermanic District 15; Madison Metropolitan School District.
4. Existing Conditions: The subject site is developed with a two-story building with a first floor commercial space and second floor apartment and a detached storage building in R4 (General Residence District) zoning.
5. Proposed Land Use: The applicant wishes to renovate the nonconforming building to accommodate a grocery store in the first floor space.
6. Surrounding Land Use and Zoning: The subject site is surrounded on the north, west and east by predominantly single-family residences in R4 (General Residence District) zoning and on the southwest by the Fair Oaks Diner, which is zoned C1 (Limited Commercial District). The 20-unit Thorp Terrace apartments are located at the northeasterly corner of the Thorp- S. Fair Oaks intersection in PUD-SIP zoning.
7. Adopted Land Use Plan: The Comprehensive Plan recommends that the subject site and parcels generally west of S. Fair Oaks Avenue be developed with low-density residential

uses, with neighborhood mixed-use development identified across Fair Oaks at the intersection of Fair Oaks and Milwaukee Street. The site is also located within the Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan, which identifies the residential area west of S. Fair Oaks Avenue including the subject site for a general downzoning from R4 zoning to R3 (Single & Two-Family Residence District).

8. Environmental Corridor Status: The property is not located within a mapped environmental corridor.
9. Public Utilities & Services: The property is served by a full range of urban services.

STANDARDS FOR REVIEW

This application is subject to the standards for zoning map amendments.

ANALYSIS, EVALUATION & CONCLUSION

The applicant is requesting approval to rezone an approximately 4,221 square-foot parcel located at the southerly corner of S. Fair Oaks Avenue and Thorp Street from R4 to C1. The subject site is developed with a two-story commercial/ residential building constructed in 1916 according to City records, which contains a first floor commercial space and second floor apartment. The building sits in the northeasterly corner of the triangularly shaped parcel, with the length of the structure extending along the Thorp Street sidewalk. The front wall of the building parallels S. Fair Oaks Avenue, which runs at an approximately 45-degree angle to the grid at this location. The building is primarily constructed with aluminum siding with the exception of a brick course located along the first floor of the Fair Oaks elevation, and includes a second story porch that overhangs most of the rear yard. The remainder of the site includes a detached former single-car garage in the southern tip of the lot, which has been converted into a storage building, and a six-foot tall wood fence that encloses the rear yard along the northern and western property lines. Parking is limited on the site to a gravel area between the storage building and S. Fair Oaks Avenue sidewalk.

The applicant wishes to continue an ongoing renovation of the building, which began with restoration of the second floor apartment, with a rehabilitation of the exterior of the building and the renovation of the first floor commercial space to accommodate an “ethnic food grocery store.” The existing storage building on the site will be retained and has recently been repainted. No additions to the structure are proposed. Minor landscaping improvements will be installed along the S. Fair Oaks Avenue frontage of the site.

The building is considered legally nonconforming under the Zoning Ordinance due to the R4

residential zoning the subject property shares with the one and two-family residences that border it to the north, west and east. Before building permits and a Certificate of Occupancy can be issued for the renovation of the first floor, the property needs to be rezoned to a conforming zoning district. C1 zoning was determined by staff to be the most appropriate zoning district for this lot due to the limited nature of C1 commercial uses and the surrounding low-density residential neighborhood. Both the existing apartment and proposed grocery store are generally permitted in C1 zoning. The one-story restaurant located southwest of the site at 44 S. Fair Oaks Avenue is also zoned C1.

The Planning Division does not object to the rezoning of this site to C1. The Comprehensive Plan generally recommends the subject site and parcels west of S. Fair Oaks Avenue for low-density residential uses. However, the Comprehensive Plan identifies small-scale neighborhood serving retail and service uses in mixed-use buildings such as the one on the subject site as allowable exceptions within a larger low-density residential area such as the one surrounding the subject site. The site is also located within the Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan, which identifies the residential area west of S. Fair Oaks Avenue including the subject site for a general downzoning from R4 zoning to R3 (Single & Two-Family Residence District). However, staff does not feel that the requested rezoning is necessarily contrary to this plan recommendation, as the primary goal of the recommendation was to preserve the residential character of the area generally bounded by Starkweather Creek, S. Fair Oaks Avenue and Milwaukee Street. The existing building was constructed at approximately the same time as many of the one- and two-family residential buildings surrounding it and has long been an established component of the neighborhood (for example, it was known as the Linden Hill Grocery from around 1928 until the 1980s). Therefore, staff does not consider the granting of commercial zoning for this lot to be contrary to the preservation of the residential character of the rest of the neighborhood.

RECOMMENDATION

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment 3296, rezoning 34 & 36 S. Fair Oaks Avenue from R4 (General Residence District) to C1 (Limited Commercial District), to the Common Council with a recommendation of **approval**, subject to input at the public hearing and the following conditions:

1. Comments from reviewing agencies.
2. That the applicant work with Planning Division and Zoning staff on the final site plan for the property to accurately depict any modifications proposed to the site required to bring it into compliance with Madison General Ordinances.