

# PLANNING DIVISION STAFF REPORT

April 10, 2023



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5701 Raymond Road (10<sup>th</sup> Aldermanic District, Ald. Figueroa-Cole)  
**Application Type:** Conditional Use  
**Legistar File ID #:** [76481](#)  
**Prepared By:** Colin Punt, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Rick Thomas; Good Shepherd Evangelical Lutheran Church; 5701 Raymond Road; Madison, WI 53711

**Requested Action:** Approval of a Conditional Use for free-standing vending in an SR-C1 district at 5701 Raymond Road per M.G.O. §28.032(1).

**Proposal Summary:** The applicant seeks approval of the necessary conditional uses for the operation of a food cart in a church parking lot.

**Applicable Regulations & Standards:** This proposal is subject to the standards for conditional uses, M.G.O. §28.183(6).

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests for a conditional use for free-standing vending at 5701 Raymond Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

## Background Information

**Parcel Location:** The subject site is a 3.66-acre parcel located at the southwest quadrant of the intersection of Raymond and South Whitney Way. It is within Aldermanic District 10 (Alder Figueroa-Cole) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The site, zoned SR-C1 (Suburban Residential - Consistent 1 District), is occupied by a one-story church and surface parking lot.

### Surrounding Land Uses and Zoning:

North: Across Raymond Road, a commercial strip center zoned NMX (Neighborhood Mixed Use district);

West: Four-unit residences zoned SR-V1 (Suburban Residential - Varied 1 district);

South: Single-family residences zoned SR-C1 (Suburban Residential - Consistent 1 district); and

East: Across a South Whitney Way, single-family residences zoned SR-C1.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends LMR (Low Medium Residential) for the site. The [Southwest Neighborhood Plan](#) (2008) does not include any additional land use recommendations, but does recommend increasing neighborhood-based events and programming at the church site.

**Zoning Summary:** The subject property is zoned SR-C1 (Suburban Residential - Consistent 1 District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	8,000 sq. ft.	159,536 sq. ft.
Lot Width	60'	396.78 sq. ft.
Front Yard Setback	30'	Adequate
Side Yard Setback	One-story: 6'	Adequate
Reverse Corner Side Yard Setback	30'	Adequate
Rear Yard Setback	Equal to building height but at least 35'	Adequate
Maximum Lot Coverage	60%	Existing lot coverage
Maximum Building Coverage	50%	<50%
Maximum Building Height	35'	Existing building

Site Design	Required	Proposed
Number Parking Stalls	Not required	192 existing stalls
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	8 existing accessible stalls
Loading	Not required	None
Number Bike Parking Stalls	Not required	20 existing bike stalls
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
<b>Other Critical Zoning Items:</b>	Barrier Free (ILHR 69)	

*Table 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, Analysis, and Conclusion

The applicant, representing Good Shepherd Evangelical Lutheran Church, intends to operate a food cart, owned by the church, in the church’s parking lot on Monday evenings, Thursday lunchtimes, and occasional Saturdays. The food cart would operate in two locations in the church parking lot, both in corners away from vehicular traffic to maximize pedestrian safety. If approved, the applicant intends to begin operation in May, 2023.

### Adopted Plan Recommendations

The [Comprehensive Plan](#) (2018) recommends LMR (Low Medium Residential) for the site. LMR areas are largely characterized by what is sometimes referred to as “missing middle” housing, but residential areas can also include places of assembly and worship, as well as small civic uses. The [Southwest Neighborhood Plan](#) (2008) does not include any additional land use recommendations, but does recommend increasing neighborhood-based events and programming at the church site.

## Conditional Use Standards

The applicant is requesting approval of a Conditional Use for free-standing vending in a residential zoning district. In regards 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.

Free-standing vending, in this case a food cart, can be accompanied by light and noise, which are sometimes called out in reference to conditional use approval standard 1, related to the detriment or endangerment of public health, safety, and welfare, and standard 3, regarding impairment or diminishment of uses, values, and enjoyment of other property in the neighborhood. However, staff believe that the operation of the food cart during times in which the property is otherwise not utilized, the size of the property, the applicant’s stated mission to distribute “pay-what-you-can” meals and fresh produce to the neighborhood, and the specific recommendation from the neighborhood plan encouraging just such neighborhood-based programming in this location, that the standards can be found met.

## Conclusion

Staff believes that given the location of the free-standing vending, the layout of the property, and the plan recommendations, the Plan Commission can find the applicable conditional use standards of approval to be met and approve the conditional use request. Staff notes that as a conditional use, the Plan Commission retains “continuing jurisdiction” to review and resolve complaints that may arise on the operation of any of the conditional uses.

At time of report writing, staff is unaware of any public comments.

## Recommendation

### Planning Division Recommendation (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the requests for a conditional use for free-standing vending at 5701 Raymond Road. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

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

1. The free-standing vending operation shall comply with supplemental regulations Section 28.151 *Free-Standing Vending*.

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

2. The applicant shall provide a plan showing the adjacent parking stalls on each side of the food distribution

center as blocked off to allow better access.

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