

PLANNING DIVISION STAFF REPORT

June 15, 2026



PREPARED FOR THE PLAN COMMISSION

Project Address: 4633 Verona Road (District 10 – Alder Figueroa Cole)

Application Type: Conditional Use

Legistar File ID #: [93083](#)

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

Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant: Mery Talavera; 6212 Strathmore Lane; Madison, WI 53711

Owner: Troy Eickhoff; 4633 Verona Road, Suite A; Madison, WI 53711

Requested Action: Consideration of a conditional use in the Commercial Center (CC) District to allow free-standing vending (food truck) in the parking lot of a multi-tenant commercial building at 4633 Verona Road.

Proposal Summary: The applicant seeks approval of a conditional use for the operation of a food truck in the parking lot of a multi-tenant commercial building.

Applicable Regulations & Standards: This proposal is subject to the standards for conditional uses, found in §28.183(6) MGO, as Sections 28.061(1) and 28.151 note that free-standing vending is a conditional use if located two hundred (200) feet or less from the property line of a lot with a residential use. The use is also subject to the supplemental regulations in §28.151, MGO.

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 request for a conditional use for free-standing vending at 4633 Verona 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 26,488-square foot parcel located on the south side of Verona Road, between Verona Road and Atticus Way, which borders the subject site to the east and south. It is within Alder District 10 (Alder Figueroa Cole) and the Madison Metropolitan School District.

Existing Conditions and Land Use: The site, zoned CC (Commercial Center District), is occupied by a one-story, 10,000-square foot, multi-tenant commercial building constructed in 1990, and surface parking lot.

Surrounding Land Uses and Zoning:

North: A one-story commercial containing a blood and plasma donation center in the CC (Commercial Center) Zoning District;

South: Across Atticus Way is multi-family residential zoned CC;

East: Across Atticus Way is the Avalon Madison Village multi-family development, zoned SR-V2 (Suburban Residential – Varied 2) District; and

West: A Discount Tire shop, beyond which is a McDonalds. Both are zoned CC.

Adopted Land Use Plans: The [Comprehensive Plan](#) (2023) recommends Community Mixed-Use (CMU) for the subject parcel and those surrounding it. The [Allied-Dunn’s Marsh Neighborhood Plan](#) (1990) does not make any recommendations specific to this site while the [Allied-Dunn's Marsh Belmar Neighborhood's Physical Improvement Plan](#) (2005) provides recommendations which are out of date as they pertain to the redevelopment of the Market Plaza shopping center which previously covered the subject parcel and those surrounding it. The site is also within the boundary of the [Southwest Area Plan](#), which is currently in progress and not adopted, but expected to be later this year.

Zoning Summary: The subject property is zoned CC (Commercial Center District):

Requirements	Required	Proposed
Front Yard Setback	0’ or 5’	Adequate
Max. Front Yard Setback	85’	Existing front yard
Side Yard Setback: Street side yard	0’ or 5’	17.8’ existing street side yard
Side Yard Setback: Other cases	5’	45.2’ existing side yard
Rear Yard Setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback	10.2’ existing rear yard
Maximum Lot Coverage	85%	Existing lot coverage
Maximum Building Height	5 stories/78’	One-story existing building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required	23
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Yes	2
Loading	Not required	None
Number Bike Parking Stalls	Free-standing vending: Not required	None
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Form and Design	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, Analysis, and Conclusion

The applicant intends to operate a food truck in the parking lot serving Nicaraguan food such as tacos, enchiladas, plantain chips, french fries, and fruit juices. In terms of hours of operation, they propose to operate Wednesdays through Sundays, from 1:00 p.m. to 9:00 p.m. They plan to locate the truck near the northeast corner of the multi-tenant commercial building, to the west of the two accessible automobile parking stalls. The operation will occupy two stalls – one for the food truck and the other for the queuing customers.

A food truck is classified as 'free-standing vending' by the Zoning Code, which it defines as *"The activity of selling or offering for sale of any foodstuffs by placing a cart or equipment on private property; preparing food, beverage or articles for sale; or in any other manner participating in the vending operation or attempting to publicly sell or offer for sale any foodstuffs from private property."*

Adopted Plan Recommendations

The [Comprehensive Plan](#) (2023) recommends Community Mixed-Use (CMU) for the subject parcel and those surrounding it. The Plan describes CMU uses as *"supporting an intensive mix of residential, commercial, and civic uses serving residents and visitors from the surrounding area and the community as a whole."* The [Allied-Dunn's Marsh Neighborhood Plan](#) (1990) does not make any recommendations specific to this site while the [Allied-Dunn's Marsh Belmar Neighborhood's Physical Improvement Plan](#) (2005) provides recommendations which are out of date as they pertain to the redevelopment of the Market Plaza shopping center which previously covered the subject parcel and those surrounding it. The site is also within the boundary of the [Southwest Area Plan](#), which is currently in progress and not adopted, but expected to be later this year.

The Planning Division believes that the request is compatible with the recommendations for the site in the plans summarized above.

Conditional Use Standards

The applicant is requesting approval of a Conditional Use for free-standing vending located less than 200 feet from the property line of a lot with a residential use. A conditional use is defined in the Zoning Code as "a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district." The Plan Commission shall not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: "The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the [standards for approval in Section 28.183(6) are met]." Before granting a conditional use, the Plan Commission may stipulate conditions and restrictions on the establishment, location, construction, maintenance and operation of the conditional use. Additionally, 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.

Section 28.183(6), M.G.O. lists sixteen approval standards, of which not all are applicable to every conditional use. For this request, Conditional use Standards 1-6 and 8 are applicable while Standards 7, 9, and 10-16 do not apply. Staff believes that the Plan Commission can find standards are met and this report provides additional staff analysis regarding Standard 3.

Standard 3 states, *"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."* The applicant has noted that the hours of operation for the food truck will be Wednesdays through Sundays, from 1:00 p.m. to 9:00 p.m. so as to be respectful of the residential development, the nearest of which is located roughly 210 feet south of where the food truck will be parked. In order to help minimize noise impacts, the applicant has stated that they will use a quiet generator to power the cart. Given the proximity to the Beltline Highway (located roughly 450 feet to the northwest) and constant background noise that it generates, coupled with the proposed hours of operation, Staff does not anticipate the uses will result in negative impacts on surrounding properties.

Staff believe the Plan Commission can find all applicable standards of approval met.

Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for Free-Standing Vending Supplemental Regulations:

- (a) In all districts, free-standing vending is prohibited if located on zoning lots that contain residential uses.
- (b) In residential districts, including the DR1 and DR2 districts, free-standing vending requires conditional use approval.
- (c) In non-residential districts, free-standing vending is a permitted use if it is located more than two hundred (200) feet from the property line of a lot with a residential use and is a conditional use if located two hundred (200) feet or less from the property line of a lot with a residential use.
- (d) Hours of operations shall be between the hours of 7:30 a.m. and 11:30 p.m., including set up and take down. No part of the operator's free-standing vending equipment or operation may remain on the property outside the hours of operation.
- (e) No free-standing vending operation may be located within twenty-five (25) feet of a restaurant or restaurant-tavern, unless the food and beverage business is located on the same property as the proposed vending and the business has approved the vending.
- (f) Operators of free-standing vending operations shall provide the Zoning Administrator with a letter of permission from the owner of the property giving permission to conduct free-standing vending operations on the property.
- (g) Operators of free-standing vending operations must obtain an approved site plan from the City showing the location of the vending operation on the property in relation to existing surface parking lots, streets, driveways, and public rights of way.
- (h) Operators of free-standing vending operations shall obtain and maintain all applicable food and/or beverage licenses for their operation as determined to be required by Public Health-Madison and Dane County.
- (i) Any person vending pursuant to this ordinance either as an operator or employee of the operator shall maintain license(s) as required by Sec. [9.13\(1\)](#) and (3)(j), MGO. When vending on private property pursuant to this ordinance, operators of free-standing vending operations shall follow the requirements in Sec. [9.13\(4\)\(a\)](#), (b), (j), (p), (s), and (v).

Staff believe the Plan Commission can find these Supplemental Regulations met with the recommended conditions of approval from reviewing agencies.

Conclusion

Staff believes that given the location of the free-standing vending, the constant background noise generated by the nearby Beltline Highway, the proposed hours of operation, and the use of a quiet generator, 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 has received a letter of support from the Allied Dunn's March Neighborhood Association expressing support for the request. Said letter is available in the legislative file.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request for a conditional use for free-standing vending at 4633 Verona 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

City Engineering Division – Mapping Section (Contact Julius Smith, (608) 264-9276)

1. Applicant/Owner is responsible to confirm the use of the parking lot for the food truck will not prohibit the use of the ingress-egress rights with all those benefiting as named in the Amended and Restated Cross-Easements Recorded as Document No. 5329267.

Traffic Engineering Division (Contact William Putnam, (608) 267-8713)

2. Applicant shall show on plan how order line (pedestrian queueing area) will be delineated, whether with cones or other means, to ensure motorists do not park in this area

Parking Division (Contact Trent W. Schultz, (608) 246-5806)

The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required.

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

3. The food truck (free-standing vending) shall comply with Zoning Code Supplemental Regulations Section 28.151 for *Free-Standing Vending*.
4. Work with Zoning staff to establish a project completion date if updates to the site are required. 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.

The Planning Division, Engineering – Main Office, Parks Division, Forestry Section, Water Utility, Assessor’s Office and Metro Transit have reviewed this request and have recommended no conditions of approval.