

PLANNING DIVISION STAFF REPORT

July 8, 2019



PREPARED FOR THE PLAN COMMISSION

Project Address: 2 North Eau Claire Avenue (District 11 – Alder Martin)
Application Type: Conditional Use
Legistar File ID #: [56128](#)
Prepared By: Mai Xue Vang, Planning Division Intern
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant &

Property Owner: Deanna Stadler; 5001 Marathon Drive, Madison, WI 53705 and Hill Farm Swim Club; 2 North Eau Claire Avenue, Madison, WI 53705

Requested Action: The applicant requests approval of a conditional use to allow free-standing vending on property zoned Suburban Residential-Consistent 1 (SR-C1) District at 2 North Eau Claire Avenue.

Proposal Summary: The applicant proposes to establish free-standing vending to allow food carts at the Hill Farm Swim Club at 2 North Eau Claire Avenue.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [M.G.O. §28.183] as M.G.O. §28.035(1) lists free-standing vending as conditional uses in the Suburban Residential-Consistent 1 (SR-C1) District. The Supplemental Regulations [M.G.O. §28.151] contain further regulations for this use.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the request for free-standing vending on a property zoned Suburban Residential-Consistent 1 (SR-C1) District at 2 North Eau Claire Avenue. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 104,609 square foot (2.40-acre) property is located on the west side of North Eau Claire Avenue. It is located within Aldermanic District 11 (Alder Martin) as well as the Madison Metropolitan School District.

Existing Conditions and Land Use: The parcel is within Suburban Residential-Consistent 1 (SR-C1) district zoning and developed with a swimming facility and a parking lot.

Surrounding Land Use and Zoning:

North: Across Buffalo Trail, stormwater detention facility, zoned Planned Development (PD) District and single-family residences, zoned Suburban Residential-Consistent 1(SR-C1) District;
South: Across Regent Street, single-family residences, zoned SR-C1 District;

East: Across North and South Eau Claire Avenue, Rennebohm Park, zoned Conservancy (CN) District; and
West: Across Door Drive, single-family residences, zoned SR-C1 district.

Adopted Land Use Plan: The [Comprehensive Plan \(2018\)](#) recommends low residential (LR) uses for the subject parcel at a density of 0 to 15 units per acre. The [University Hill Farms Neighborhood Plan \(2016\)](#) also recommends LR uses for the subject at a density of 0 to 15 units per acre.

Zoning Summary: The property is in the Suburban Residential – Consistent 1 (SR-C1) Zoning District.

Requirements	Required: Nonresidential	Proposed
Lot Area (sq. ft.)	8,000 sq. ft.	104,609 sq. ft.
Lot Width	60'	More than 60'
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%	Less than 60%
Maximum Building Coverage	50%	Less than 50%
Maximum Building Height	35'	1 story existing building
Site Design	Required	Proposed
Number Parking Stalls	Outdoor recreation: As determined by Zoning Administrator	41 existing stalls
Accessible Stalls	Yes	Existing accessible stalls
Loading	None	None
Number Bike Parking Stalls	Outdoor recreation: As determined by Zoning Administrator	Existing bike stalls
Landscaping and screening	Not required	Existing landscaping
Lighting	Not required	Existing parking lot lighting
Building Forms	Not required	Existing building
Other Critical Zoning Items	None	

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 requests a free-standing vending conditional use approval to allow food carts at the Hill Farm Swim Club at 2 North Eau Claire Ave. The food carts are proposed in two locations. The first area, the "Spartan Hot Dogger," is located on the grass near the west side of the pool house structure. It will be operated by students from James Madison Memorial High School for a summer job training program. Hours of operation are Wednesdays and Fridays from 11:30 am to 1:30 pm between June and August. The second area is located in the surface parking lot and includes one other weekly food cart including Kona, Toast, Jakarta, and We Go Waffles. Hours of operation are 5:30 to 7:30 pm during Tuesdays.

This request is subject to the Conditional Use standards (M.G.O. §28.183) as M.G.O. §28.035(1) lists free-standing vending as a conditional use in the Suburban Residential-Consistent 1 (SR-C1) District. 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 M.G.O. §28.183(6) are met.

In considering adopted plan recommendations, the [Comprehensive Plan \(2018\)](#) recommends Low Residential (LR) for this property lot. Areas planned for LR uses generally consist of single-family and two-unit structures. Furthermore, the [Comprehensive Plan](#) supports a limited amount of nonresidential uses in residential category such as: parks and recreational facilities, community gardens, urban agriculture, elementary and middle schools, day care centers, places of assembly and worship, and small civic facilities. Small-scale commercial uses within residential categories should be limited to small establishments providing convenience goods or services primarily to neighborhood residents, either as freestanding business or within larger, predominantly residential building. The [University Hill Farms Neighborhood Plan \(2016\)](#) also recommends 'Low Density Residential' (LDR) for this property lot. The LDR consists of single-family and two-unit structures. In addition to the [University Hill Farms Neighborhood Plan](#), to enhance and activate opportunities within the neighborhood, food carts and book mobile are recommended as placemaking, especially at the local parks.

M.G.O. 28.151 contains further regulations that include hours of operation, site plan approval, and the necessary vending and food and/or beverage licensing. While the applicant has not applied for the necessary licenses, the applicant has initiated discussions with the City's Street Vending Coordinator, and understand the necessary steps required to obtain the applicable licenses.

As described above, staff believes the addition of free standing vending is generally consistent with the [Comprehensive Plan \(2018\)](#) and the [University Hill Farms Neighborhood Plan \(2016\)](#). In addition, the applicant has provided information indicating the conditional use will likely result in minimal impacts on surrounding properties. The application materials note that the food carts will mainly serve the users at the swim club, the hours of operation are limited, and indicated that the food carts will be located on the parking lot or on grass land west of the pool house structure that is approximately 110 feet from nearest residential home. Staff believes that the request for free-standing vending on the property at 2 North Eau Claire Avenue can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission. If approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in M.G.O. Section 28.183(9)(d).

Recommendation

Planning Division Recommendation (Contact Mai Xue Vang, (608) 267-8732 or 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 to allow free standing vending in the Suburban Residential-Consistent 1 (SR-C1) district zoning at 2 North Eau Claire Avenue. This recommendation is subject to input at the public hearing and the conditions recommended by reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded.

Planning Division (Contact Mai Xue Vang, (608) 267-8732 or Colin Punt, (608) 243-0455)

1. The agency reviewed this request and has recommended no conditions of approval.

Engineering Division (Contact Timothy Troester, (608) 267-1995)

2. The agency reviewed this request and has recommended no conditions of approval.

Traffic Engineering Division (Contact Sean Malloy)

3. "Stop" signs shall be installed at a height of seven (7) feet at all class III driveway approaches, including existing driveways, behind the property line and noted on the plan. All directional/regulatory signage and pavement markings on the site shall be shown and noted on the plan.
4. The applicant shall submit one contiguous plan showing proposed conditions and one contiguous plan showing existing conditions for approval. The plan drawings shall be scaled to 1" = 20' and include the following, when applicable: existing and proposed property lines; parcel addresses; all easements; vision triangles; pavement markings; signing; building placement; items in the terrace such as signs, street light poles, hydrants; surface types such as asphalt, concrete, grass, sidewalk; driveway approaches, including those adjacent to and across street from the project lot location; parking stall dimensions, including two (2) feet of vehicle overhang; drive aisle dimensions; semitrailer movement and vehicle routes; dimensions of radii; and percent of slope.
5. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
6. The applicant shall provide an ADA accessible route to the ordering window for the food carts in the parking lot, this can be done by reserving stalls adjacent the food cart for customer queueing.

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

7. The applicant shall comply with the supplemental regulations Section 28.151 for Free-Standing Vending. 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).

Fire Department (Contact William Sullivan, (608) 261-9658)

8. The agency reviewed this request and has recommended no conditions of approval.

Parks/ Forestry Division (Contact Bradley Hofmann)

9. The agency reviewed this request and has recommended no conditions of approval.

Water Utility (Contact Adam Wiederhoeft)

10. The agency reviewed this request and has recommended no conditions of approval.

Metro Transit (Contact Timothy Sobota, (608) 261-4289)

11. The agency reviewed this request and has recommended no conditions of approval.

Engineering Division - Mapping (Contact Jeffrey Quamme, (608) 266-4097)

12. The agency reviewed this request and has recommended no conditions of approval.