

# PLANNING DIVISION STAFF REPORT

April 8, 2018

PREPARED FOR THE PLAN COMMISSION



**Project Address:** 2801 Atwood Avenue (District 6 - Ald. Rummel)  
**Application Type:** Conditional Use  
**Legistar File ID #** [54839](#)  
**Prepared By:** Colin Punt, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant/Owner:** Felisa Corona-Forte; Lumos Dei Beverage; 2801 Atwood Ave; Madison, WI 53704

**Requested Action:** The applicant requests approval of a conditional use for free-standing vending within 200 feet of a residential use on a property zoned TSS (Traditional Shopping Street District) at 2801 Atwood Avenue.

**Proposal Summary:** The applicant proposes to operate a food cart within the parking lot of a gas station and convenience store owned and operated by the applicant.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [M.G.O. §28.183] as M.G.O §28.061(1) lists *free standing vending* as conditional uses in the Traditional Shopping Street (TSS) District. The Supplemental Regulations [M.G.O. §28.151] contain further regulations for this use.

**Review Required By:** Plan Commission

**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 TSS (Traditional Shopping Street District) at 2801 Atwood 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 subject site is located on the southeast corner of the intersection of Atwood Avenue and Miller Avenue. The site is within both Aldermanic District 6 (Ald. Rummel) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The 14,750-square-foot (0.34-acre) subject parcel is zoned TSS and developed with a convenience store, vehicle fueling pumps under a canopy, and a small parking lot.

### Surrounding Land Use and Zoning:

**North:** Across Atwood Avenue, a Madison Kipp Corporation manufacturing building zoned Traditional Employment (TE) district;

**East:** Two-unit residential buildings and a small commercial building zoned Traditional Shopping Street (TSS) district;

**South:** One- to three-unit residential buildings zoned Traditional Residential-Variable 1 (TR-V1) district; and

**West:** Across Miller Avenue, a variety of small commercial and mixed-use buildings zoned TSS.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2018) recommends Neighborhood Mixed Use for this property. [Schenk-Atwood-Stakweather-Worthington Park Neighborhood Plan](#) (2000) does not include any land use recommendations for this parcel, but encourages the neighborhood association to explore strategies to increase business activity and business mix within the business area.

**Zoning Summary:** The project site is currently zoned Traditional Shopping Street (TSS).

Requirements	Required	Proposed
Front Yard Setback	None	Adequate
Side Yard Setback	N/A	8' existing side yard
Rear Yard Setback	N/A	10' existing rear yard
Maximum Lot Coverage	85%	Existing lot coverage
Minimum Building Height	N/A	1-story existing building
Maximum Building Height	N/A	1-story existing building

Site Design	Required	Proposed
Number Parking Stalls	Not required	6 existing stalls
Accessible Stalls	Yes	1 existing stall
Loading	None	None
Number Bike Parking Stalls	Not required	2 existing bike stalls
Landscaping	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building

<b>Other Critical Zoning Items</b>	none
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*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, who owns and operates the BP gas station located on this property, is applying for a conditional use for free-standing vending within 200 feet of a residential property. The applicant intends to operate a food cart within one of the existing parking spaces on the property. Hours of operation are proposed to be 10 a.m. to 10 p.m. and the cart would be occupied by two employees. Electricity would be pulled from the existing building. No generators or additional lighting would be utilized. The applicant is pursuing the appropriate City vending licenses, and will be required to follow all applicable vending rules. The applicant has indicated to Planning and Zoning staff the actual layout of the site will be altered to reflect the approved site plan. Currently, the convenience store's dumpster is located in the corner of the parking lot where the bicycle parking and food cart are shown on the submitted site plan. The dumpster will be placed in the enclosure as shown on the plan. The applicant has not proposed any other changes to the site plan.

This proposal is subject to the standards for Conditional Uses (M.G.O. §28.183) as M.G.O §28.061(1) lists *free standing vending* as a conditional use in the Traditional Shopping Street (TSS) 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.

The [Comprehensive Plan](#) (2018) recommends Neighborhood Mixed Use (NMU) for this property. The NMU category includes relatively small activity centers that include residential, retail, restaurant, service, institutional, and civic uses. This use further diversifies the mix of commercial uses in the Comprehensive Plan's NMU-designated area. [Schenk-Atwood-Starkweather-Worthington Park Neighborhood Plan](#) (2000) does not include any land use recommendations for this parcel, but does encourage the local business association to explore strategies for increasing business activity and business mix within the Schenk-Atwood-Winnebago business area.

M.G.O. 28.151 contains further regulations for free standing vending, specifically the requirement that in non-residential districts, free-standing vending is a conditional use if located 200 feet or less from a property line of a lot with residential use, such as those immediately south of the subject parcel. The supplemental regulations also include regulations regarding hours of operation, site plan approval, and the necessary vending and food and/or beverage licensing. While the applicant has not purchased a food cart or 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 this site already operates as a vehicle fueling station and convenience store, staff does not anticipate that the addition of a food cart will greatly increase traffic to and from the site. Further, because of the size of the vending operation, the existing screening between the gas station and properties to the south and east, and operation by the property owner, staff believes that the request for free standing vending on the property at 2801 Atwood Avenue can be found to meet the Conditional Use Approval Standards and recommends that it be approved by the Plan Commission. At the time of report writing, Staff is unaware of any comments from the public. 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 MGO Section 28.183(9)(d).

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the approval standards for Conditional Uses are met and **approve** the for free-standing vending within 200 feet of a residential parcel on a property zoned TSS (Traditional Shopping Street) District at 2801 Atwood Avenue. These requests are subject to the input at the public hearing and the conditions recommended by the reviewing agencies.

### **Recommended Conditions of Approval** Major/Non-Standard Conditions are Shaded

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

1. The free-standing vending operation shall follow Supplemental Regulations Section 28.151 for Free-Standing Vending.

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

2. The applicant shall submit for review an operations plan. The applicant shall provide a pedestrian area secure from vehicular traffic.

**Fire Department** (Contact Bill Sullivan, (608) 261-9658)

3. The electrical supply for the food cart shall comply with the all applicable electrical codes. A generator or permanent wiring would be preferred over temporary wiring from the existing building.