



Report to the Plan Commission

October 5, 2009

Legistar I.D. #16103

1501 Gilbert Road

Conditional Use

Report Prepared By:
Heather Stouder, AICP
Planning Division Staff

Requested Action: Approval of a conditional use for a weekly farmers' market in a church parking lot in the R1 (Single-Family Residence) District.

Applicable Regulations & Standards: Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses. Farmers' markets are a conditional use in the parking lots of non-residential uses in the R1 District per Sec. 28.08(2)(c)28.

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the conditional use request subject to input at the public hearing and conditions from reviewing agencies.

Background Information

Applicant/Property Owner: Winton Boyd, Orchard Ridge UCC Church; 1501 Gilbert Rd, Madison

Project Contact: Lisa Veldran, Southwest Community Farmers' Market Planning Committee; 5738 Kroncke Dr., Madison

Proposal: The applicant proposes use of a church parking lot for a weekly, seasonal farmers' market in the R1 (Single-Family Residence) District.

Parcel Location: The parcel is located in the Orchard Ridge Neighborhood on the east side of Gilbert Road between Tolman Terrace and Barton Road.

Existing Conditions: The existing church building in the southwestern part of the site was constructed in 1959. The parking lot, located on the north side of the property, has 59 parking stalls and two access driveways from Tolman Terrace. The property has additional pedestrian access from Tolman Terrace, Barton road, and Gilbert Road.

Surrounding Land Use and Zoning: This property is surrounded on all sides by single family homes on relatively large lots in the R1 (Single-Family Residence) District. An elementary school and a larger church property lie within 500 feet to the south.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Low Density Residential land use for this area. There is no adopted neighborhood plan for this property.

Environmental Corridor Status: This property is not located within a mapped environmental corridor.

Public Utilities and Services: This property is served by a range of urban services, including all basic utilities and Metro Transit Route 50.

Zoning Summary:

Bulk Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	122,004 sq. ft. existing
Lot width	65'	293.56'
Usable Open Space	1,300 sq. ft.	N/A
Front yard	30'	32'
Side yards	6' each side	50'+ R/S, 100'+ L/S
Rear yard	40'	190'
Floor area ratio	N/A	N/A
Building height	N/A	N/A

Site Design	Required	Proposed
No. Parking stalls	N/A	N/A
Landscaping	N/A	N/A

Other Critical Zoning Items	
Historic District	No
Landmark Building	No
Flood Plain	No
Utility Easements	No
Adjacent to Park	No

Prepared by: Pat Anderson, Asst. Zoning Administrator

Project Description

Existing Conditions

The existing 121,000 square foot (2.8-acre) lot has an existing church in the southwestern portion of the lot and a surface parking lot with 59 vehicle stalls in the northeastern portion of the lot. The lot is accessed by two driveways from Tolman Terrace to the north, and pedestrian linkages leading directly to the building from Gilbert Road, Barton Road, and Tolman Terrace.

The weekly farmers' market was in operation at this location during summer 2009. A 2009 zoning text amendment was made to list farmers' markets as conditional uses in the parking lots of non-residential uses in residential districts so as to explicitly allow them and to provide for Plan Commission review of a site plan and operational parameters. Operators of this market were made aware of the need for a conditional use permit, understanding that the 2009 market could continue as long as progress was being made toward the conditional use permit. Operators then scheduled a meeting with staff and submitted application materials and fees.

Site Plan

The site plan submitted shows no permanent changes to the parking lot as it exists today, but would eliminate use of just over half of the stalls. Fifteen vending stalls for local produce are located around the south and east perimeter of the parking lot, with additional spaces for an informational booth, a community booth, and a specified area for music and "events" in the western portion of the lot nearest the building.

Operation

As proposed, the farmers' market would be permitted to operate on this site one afternoon per week between April 1 and October 31. Hours of operation, including set up and take down, are between 1:30 PM and 7:30 PM. Market organizers have expressed the desire to allow music at the market from 3:00 to 6:00 pm. As expressed in the letter of intent, music will face the market to the east, and would meet all noise requirements in MGO 24.08. During the market, the eastern access driveway from Tolman Terrace would be temporarily closed, and over half of the surface parking on the lot would be cordoned off for use as vending space.

Evaluation and Conclusion

Impacts on the Neighborhood

In reviewing this proposal, staff considered the existing and potential impacts of the farmers' market on the surrounding neighborhood, which is comprised of single family homes on relatively large residential lots. In this case, impacts on the neighborhood are relatively easy to evaluate, as the farmers' market has been operating during summer and fall 2009. There are over 260 single family homes within a

quarter mile of the site, and on the whole, the small market enjoys support from the neighborhood. It presents a valuable weekly marketing opportunity for local growers within a neighborhood with few food options within such close proximity. Further, it provides a festive gathering space and outlet for local musicians. Importantly, it causes no known safety concerns or complications to traffic movement in an area where on-street parking surrounding the site is abundant.

Public Input

At the time of this report, the 45 written comments received are supportive of the farmers' market as it currently operates with one exception. One nearby resident (no address provided) expressed concerns focused on the amplified music at the market. In response to this, amplified music has not been played at the market for the past few weeks, but is requested to be allowed as part of the conditional use permit. Notably, two neighbors directly across the street to the north and the adjacent neighbor to the east expressed support for the market, and one of these specifically supported the music at the decibel level it was operating at during the summer. The Alder has indicated support for the market, so long as noise issues can be sufficiently addressed.

On the site plan submitted, the location of the music area as proposed seems to be optimal, as it is over 250 feet from the nearest home, interior to the market, and buffered on the west and south by the church building itself. Planning Division staff believe that the request to allow music during the hours of 3:00-6:00 pm, in compliance with City of Madison noise standards (MGO 24.08), is reasonable.

Conclusion

As the first farmers' market seeking a conditional use permit under the recently revised ordinance, the Southwest Farmer's Market provides a good example to follow. The Planning Division recommends that the Plan Commission find that the standards are met and **approve** the conditional use request to operate a weekly farmers' market at 1501 Gilbert Road subject to input at the public hearing and conditions from reviewing agencies.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that if the Plan Commission finds that the conditional use standards can be met and **approve** the conditional use request subject to input at the public hearing and the following conditions:

1. The market is permitted one afternoon per week from April 1 through October 31, during the hours of 1:30 and 7:30 PM, including set-up and take down.
2. Music associated with the market will meet noise standards as specified in MGO Sec. 24.08, and be limited to the hours of 3:00 to 6:00 PM on the afternoons the market is held.
3. The market will have a maximum of 20 vendors.

The following conditions have been submitted by reviewing agencies:

Zoning Administrator (Contact Pat Anderson, 266-5978)

4. The farmers' market shall operate in accordance with MGO Sec. 28.08(2)(c)28.

City Engineering Division (Contact Janet Dailey, 261-9688)

This agency submitted a response with no conditions of approval for this request.

Traffic Engineering Division (Contact John Leach, 267-8755)

This agency submitted a response with no conditions of approval for this request.

Fire Department (Contact Scott Strassburg, 261-9843)

This agency submitted a response with no conditions of approval for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This agency submitted a response with no conditions of approval for this request.

Parks Division (Contact Tom Maglio, 266-6518)

This agency did not submit a response for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit a response for this request.