



PREPARED FOR THE PLAN COMMISSION

Project Address: 1413 Northern Court (6th Aldermanic District, Alder Rummel)
Application Type: Conditional Use
Legistar File ID #: [44437](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant/Contact: John Mleziva; State Line Distillery, LLC.; 1109 Mohican Pass; Madison, WI 53711

Property Owner: Northern Court, LLC.; 1337 Williamson Street; Madison, WI, 53703

Requested Action: Approval of a conditional use to convert an existing building into a distillery at 1413 Northern Court.

Proposal Summary: The applicant proposes to repurpose the space for a distillery and attached tasting room. Only minor interior changes and no exterior changes are proposed to the existing building.

Applicable Regulations & Standards: This proposal is subject to the standards for Conditional Uses [MGO §28.183] as §28.082 of the Zoning Code lists a *Distillery* as a conditional use in the Traditional Employment (TE) District.

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to convert an existing building into a distillery at 1413 Northern Court. 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 8,760-square-foot (0.20-acre) property is located along the southern edge of Northern Court, near the intersection with S. Dickenson Street. The site is in Aldermanic District 6 (Ald. Rummel); in Tax Increment Finance District #36; and is within the Madison Metropolitan School District.

Existing Conditions and Land Use: The property has an existing 6,500-square-foot, one-story industrial building. The building backs up to the railroad tracks and there is a concrete pad in the northeast corner of the site used for parking.

Surrounding Land Use and Zoning:

North: Across Northern Court is an industrial welding supplier and repair shop, zoned Traditional Employment (TE);

East: A construction contractor's workshop and office, zoned TE;

South: Across the railroad tracks will be the 180,000-square-foot State of Wisconsin Archive Preservation facility, currently under construction, zoned TE; and

West: Immediately adjacent is a window insulation manufacturer and retailer, zoned TE. (Note, this building shares a party wall with the building on the subject site).

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#), [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#), and [East Rail Corridor Plan & Recommendations \(2004\)](#) all recommend Medium-Density Residential Development for the project site.

Zoning Summary: The property is in the Traditional Employment (TE) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	8,760 sq. ft.
Lot Width	50'	120'
Front Yard Setback	None	.2' existing building
Side Yard Setback	None unless needed for access	None existing building
Rear Yard Setback	Lesser of 20% lot depth or 20'	.3' existing building
Maximum Lot Coverage	85%	Existing lot coverage
Minimum Building Height	22, measured to building cornice	1 story existing building
Maximum Building Height	5 stories/ 68'	1 story existing building
Number Parking Stalls	None	4
Accessible Stalls	Yes	No (See Comment #9)
Loading	None	None
Number Bike Parking Stalls	Distillery (limited production and processing category): 1 per 5 employees (2 minimum)	No (See Comment #10)
Landscaping and Screening	No	No (See Comment #11)
Lighting	No	No
Building Forms	No	Existing building
Other Critical Zoning Items	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, including nearby all-day Metro Transit Routes 0.2 miles away on both East Washington Avenue and Williamson Street.

Project Description

The applicant, State Line Distillery, LLC., proposes to open a distillery and attached tasting room at 1413 Northern Court in a currently vacant, roughly 6,500-square-foot industrial building. (Distilleries require conditional use approval in the Traditional Employment (TE) District). As the tenant space is currently unfinished warehouse space, a complete renovation will be undertaken. This will consist primarily of adding interior walls and outfitting the facility with the various equipment which will create spaces for the distillery production, barrel storage, and tasting room. The distillery production area will occupy the bulk of the building (approximately 5,000 square feet, or basically the western two-thirds of the site) and will be divided up into spaces for raw material storage, product processing and analysis, and finished product storage. A 450-square-foot lofted mezzanine level, housing three offices, will also be created along the eastern wall of the main production area and accessed via a stairwell located at the northeast corner of the space.

The roughly 1,500-square-foot tasting room will be located in the building's eastern wing, near the rear of the site, and will consist of a large open room with the bar along the southern wall. Bathrooms and a display room (with seating and views of the distilling process) will be located adjacently. Note: The maximum capacity of the tasting room shall be determined by the Director of Building Inspection prior to final signoff.

Additional upgrades to the building will consist of the replacement of all windows and doors for more energy-efficient versions and a new HVAC system will be installed with the roof top elements screened.

For the hours of operation of the tasting room, the applicant is requesting Monday-Friday, 4:00 pm – 10:00 pm, and Saturday, noon-10:00 pm. The distillery production hours will be Monday-Friday, 8:00 am – 5:00 pm. Regarding odors, the applicant has stated that the smells from the distilling process will be produced for approximately two hours, three times per week but does not anticipate the odors traveling more than one-half block or being overpowering for any surrounding businesses or homes. Any odors from the distilling process will be mitigated significantly, as 1) the process does not involve the boiling of the grains and 2) venting will not occur directly outside but instead will be filtered through the HVAC system before being vented directly upward from the building. Regarding deliveries, the applicant states that one to two weekly truck deliveries of raw materials and one shipment of finished products are anticipated weekly. The loading/unloading will occur via the large garage door at the building's northwestern corner along Northern Court and will only occur during regular business hours (i.e. Monday-Friday, 8:00 am - 5:00 pm).

Regarding accessibility, given the location nearby major transit and cycling routes, it is anticipated that many patrons will arrive via alternative modes of transport. Metro service is provided 0.2 miles away along both E. Washington Avenue and Williamson Street, and the Capital City Bicycle Trail is 0.1 miles away to the south. Bicycle parking will be accommodated by the 20 stalls which will be added along the south of the building, adjacent the railroad tracks. For automobile parking, while the Traditional Employment (TE) District does not have minimum parking requirements, the site has five stalls and one accessible stall located in its northeast corner. There is two-hour parking available along Main Street as well as nearby parts of S. Dickenson Street during the day.

This application does not include a request for the addition of eventual signage. This would require a separate application and approval process.

Project Analysis and Conclusion

Land Use and Plan Consistency - The application is subject to conditional use standards as distilleries require conditional use approval in the Traditional Employment (TE) District. The approval standards for conditional uses [MSO §28.183(6)] state that 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. That said, the proposed use of a distillery in the subject building is not consistent with plan recommendations as the [Comprehensive Plan \(2006\)](#), [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#), and [East Rail Corridor Plan & Recommendations \(2004\)](#) all recommend Medium-Density Residential Development for the project site. However, while the proposed use is not consistent with adopted plans, the Planning Division believes the proposed use to be an appropriate interim use of the site considering the existing TE zoning on this and surrounding properties.

Conditional Use Standards - 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 §28.183(6) MGO are met. The Planning Division believes that if the distillery and tasting room are well-managed, this proposal should not result in significant impacts to the surrounding properties. Factors such as the moderate size of the establishment; the limited hours of the tasting room; the limited frequency and duration of product production; the mitigation of the corresponding

odors due to both the production process and HVAC ventilation; the paucity and timing of deliveries; the building's location over 330 feet from the closest residential dwelling unit; the fact that all activities will occur within the building; and the other proposed conditions of approval will help mitigate anticipated impacts. 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).

Public Comment - At the time of report writing, staff has received comments from the Marquette Neighborhood Association noting their approval of the proposal, given the 10:00 pm closing time for the tasting room that was agreed upon by the applicant at their August 9, 2016 meeting. They also noted that concerns regarding production process odors were mollified after an explanation was given by the applicant at the same meeting. These comments are included in the Plan Commission materials.

Conclusion - Staff believes that a finding could be made that the conditional use standards are met.

Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards are met and **approve** the request to convert an existing building into a distillery at 1413 Northern Court. 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

Planning Division (Contact Chris Wells, 261-9135)

1. Hours of operation of the tasting room shall be limited to Monday-Friday, 4:00 pm – 10:00 pm, and Saturday, noon-10:00 pm.

City Engineering Division (Contact Brenda Stanley, (608) 261-9127)

2. This project appears to have proposed uses which could require sanitary sewer demand charges or monitoring of the discharge of sanitary sewerage. The applicant shall install a monitoring manhole on the exterior of the building in compliance with City of Madison Engineering criteria.
3. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
4. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5 and MGO 23.01)

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

5. Primary fire apparatus access to the building will be from the Northern Ct side. Therefore, the address will remain 1413 Northern Ct.

Traffic Engineering (Contact Eric Halvorson, (608) 266-6527)

6. 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; 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.
7. The City Traffic Engineer may require public signing and marking related to the development; the Developer shall be financially responsible for such signing and marking.
8. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

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

9. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). If off-street parking is provided, a minimum of one (1) van accessible stall is required. A van accessible stall is a minimum of 8 feet wide with an 8 foot wide striped access aisle. Show the required signage at the head of the stalls.
10. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). Provide a minimum of one (1) bicycle stall per five (5) employees (2 stalls minimum) located in a convenient and visible area on a paved or impervious surface. Bicycle parking shall be located at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance. Note: A bicycle stall is a minimum of two (2) feet by six (6) feet with a five (5) foot wide access area. Provide a detail of the proposed bike rack.
11. Show the refuse disposal area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. If the refuse disposal area is located outside the building, it shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet. Submit a detail of the trash enclosure if provided outside the building.
12. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

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

13. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

14. The property does not currently have a water service connection to the existing water system. Contact Madison Water Utility to discuss new service connection options.

A Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least 48-hour notice between the application submittal and the requested installation or inspection appointment. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.

The applicant's utility contractor shall obtain an excavation permit prior to commencing any water main or service construction in the public right-of-way. This permit application is available on the City Engineering Division website (<http://www.cityofmadison.com/engineering/permits.cfm>).

All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.