



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1133 E. Wilson Street (6<sup>th</sup> Aldermanic District, Alder Rummel)  
**Application Type:** Conditional Use  
**Legistar File ID #:** [47301](#)  
**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant/Contact:** Ryan Browne; Working Draft Beer Company, LLC.; 2821 Van Hise Avenue; Madison, WI 53705

**Property Owner:** Richard Karls; 4105 Keewatin Trail; Verona, WI 53593

**Requested Action:** Approval of a conditional use to establish a brewpub in an existing multi-tenant commercial building in the Traditional Employment (TE) District at 1133 E. Wilson Street.

**Proposal Summary:** The applicant proposes to lease space for a brewpub and attached retail taproom, with capacity for 99 people. While the majority of building changes are internal, the exterior changes will consist of replacing an existing glass-block window with a set of double-doors and replacing a former garage door opening which had subsequently been walled-in with a new garage door.

**Applicable Regulations & Standards:** This proposal is subject to the standards for Conditional Uses [MGO §28.183] as §28.082(1) of the Zoning Code lists a *Brewpub* as a Conditional Use in the Traditional Employment (TE) district. The Supplemental Regulations [MGO §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 conditional use standards can be met and **approve** the request to establish a brewpub in an existing multi-tenant commercial building in the Traditional Employment (TE) District at 1133 E. Wilson Street. 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 roughly 23,230-square-foot (0.53-acre) subject site is located on the southeast side of E. Wilson Street, in between S. Ingersoll Street and S. Few Street; within Aldermanic District 6 (Ald. Rummel); and within the Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject parcel is developed with an 11,000-square-foot building containing two tenant spaces – a 7,220-square-foot tenant space adjacent to E. Wilson Street and a 3,800-square-foot tenant space at the southeast corner of the lot. The lot contains 17 parking spaces (including one accessible stall).

**Surrounding Land Use and Zoning:**

Northwest: Across E. Wilson Street is Madison’s Central Park, zoned Parks and Recreation (PR) District;

Northeast: Single-family and two-unit residences, zoned TR-C3;

Southeast: A gas station as well as a mixed-use building with a restaurant and apartments above, both zoned Traditional Shopping Street (TSS) District; single-family residences, zoned Traditional Residential – Varied 2 (TR-V2) District, and a condominium building, zoned Planned Development (PD) District; and

Southwest: A 73-unit Multi-family Residential Building, Planned Development (PD).

**Adopted Land Use Plan:** High-/higher-density residential development is recommended for the subject site by the [Comprehensive Plan \(2006\)](#) (which qualifies High-Density Residential as 41-60 dwelling units per acre); the [East Rail Corridor Plan \(2004\)](#); and the [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#) (which recommends high-density residential development as well as light-commercial development for the 1100 block of E. Wilson Street).

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

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	23,232 sq. ft.
Lot Width	50'	176'
Front Yard Setback	None	Existing building setback
Side Yard Setback	Minimum side yard required in the adjacent residential district: 5' east side yard None: west side yard	Existing building setback
Rear Yard Setback	Lesser of 20% lot depth or 20'	Existing building setback
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
Maximum Building Height:	25'	20'
Number Parking Stalls	Single-family detached dwelling: 1 (location only) Accessory dwelling unit: None	Existing detached garage
Number Parking Stalls	Brewpub: 15% of capacity of persons (19)	17 (See Comment #15)
Accessible Stalls	Yes	1 (See Comment #14)
Loading	None	None
Number Bike Parking Stalls	Brewpub: 5% of capacity of persons (6) Building space "A": TBD	Existing bike rack (See Comment #16)
Landscaping and Screening	Not required	Existing landscaping (See Comments #17, 18, & 19)
Lighting	Not required	Existing lighting
Building Forms	Not required	Existing building
<b>Other Critical Zoning Items</b>	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. Regarding Metro Transit service, the nearest stop is located 0.2-miles to the south at the intersection of Jenifer Street and S. Few Street.

## Project Description

The applicant, Working Draft Beer Company, LLC., proposes to open a brewpub at 1130 E. Wilson Street in a roughly 3,800-square-foot tenant space of an 11,000-square-foot, multi-tenant, commercial building. As the tenant space is currently unfinished warehouse space, a complete interior renovation will be undertaken. This will consist primarily of adding interior walls and outfitting the facility with various equipment to create a roughly 1,700-square-foot area at the front of the space for the dining and taproom and a 1,900-square-foot area at the rear for production brewing and food service.

As stated in the submitted materials, the applicant plans to install a 7-barrel and 1-barrel brew plants, including kettle, mash tun, cellar tanks, glycol chiller; as well as food service equipment, including hot holding and refrigeration. An additional glycol chiller will also be added along the alley located along the rear of the site (i.e. along the southern façade of the subject building). Primary access from the street for customers via a door located in the front left corner of the space. Because there are no sprinklers in the building, the taproom's occupancy has been capped at 99. (Note: the maximum capacity of the tasting room shall be determined by the Director of Building Inspection prior to final signoff.) That said, the submitted materials show seating for 79 in the taproom via the fifteen 4-person tables, five seats amongst a three-person couch and two lounge chairs, and 14 seats at the bar. Restrooms are located along the northwestern wall and will be shared with the adjacent tenant space.

The applicant holds a Brewery Permit (issued by the State Department of Revenue (DOR)). A brewery is authorized to conduct retail sales of its own beer, or beer manufactured in the state of Wisconsin, at the brewery premises and at one additional retail outlet under the brewer permit issued by DOR. As a result, there is no requirement to obtain a local alcohol license. Therefore, there are no hours of operation or other conditions as there would typically be with Alcohol License Review Committee and Common Council review. Regarding the hours of operation, the applicant is requesting the following: Monday – Thursday, 3:00 pm – 10:00 pm; Friday and Saturday, 11:00 am – 11:00 pm; and Sunday, 11:00 am – 9:00 pm with a once a year exception for New Year's Eve, when the tasting room will be open until 1:00 am. For the brewing production, the requested hours are Monday – Friday, 7:00 am – 3:00 pm. (These hours and conditions are consistent with the recommendations of the Marquette Neighborhood Association.)

While the majority of building changes are internal, the only exterior changes will be made along the main (southwest) façade. They will consist of replacing an existing glass-block window with a set of double-doors and replacing a former garage door opening with a new garage door. The applicant has also agreed to replace the existing

While the applicant has made mention of an outdoor seating area in their submitted materials (which will also require a Conditional Use approval), that is not part of this application. Additionally, signage information is not approved by the Plan Commission and this application does not include signage details or a request.

## Analysis and Conclusion

The application is subject to Conditional Use standards as a *brewpub* requires Conditional Use approval in the Traditional Employment (TE) District and the Supplemental Regulations [MGO §28.151] contain further regulations for this use.

## Conditional Use 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 MGO §28.183(6) are met.

In regards to adopted plan recommendations, high and higher-density residential development is recommended for the subject site by the [Comprehensive Plan \(2006\)](#), the [East Rail Corridor Plan \(2004\)](#), and the [Marquette-Schenk-Atwood Neighborhood Plan \(1994\)](#). The Marquette Plan, in addition to higher-density residential, also recommends light commercial for the 1100 block of E. Wilson Street. Considering the historic non-residential use of this site and the fact that the existing building is being re-used, the Planning Division believes it would be possible to find the proposed use compatible with residential uses, provided possible negative impacts are mitigated.

Regarding impacts on surrounding properties, the Planning Division believes that if the brewpub and taproom are well-managed, this proposal should not result in significant impacts to the surrounding properties. The applicant has stated that they will not have any outdoor amplified sound or music and, in respect to their residential neighbors, will make sure that the garage door is closed by 9:00 pm, nightly.

Regarding possible odors, the applicant has stated that the smells from the brewing process will be produced for approximately two hours, two to 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 brewing process will be mitigated in part due to the fact that the 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 between the weekday hours of 9:00 am and 2:00 pm and will be handled via the large garage door on the main façade. While the majority of the beer produced will be sold on-site, any that is distributed will be done so via personal automobile, rather than large cooling truck. That said, the only regularly outgoing material will be the spent grain and other organic waste diversion (from the brewing process) which will be arranged with a local farmer and be removed after each production.

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 0.1 miles south at the intersection of Jenifer Street and S. Few Street, and the Capital City Bicycle Trail runs along E. Wilson Street the subject site. The applicant has agreed to remove the existing ribbon-style rack located on site (which doesn't conform with current City standards), and install a new, 12-stall rack, likely, in the same general location. The applicant shall work with City Staff regarding the placement of the rack before final sign off. For automobile parking, while the Traditional Employment (TE) District does not have minimum parking requirements, the site has 17 stalls including one accessible stall. The applicant has worked out an agreement with the tenant of the adjacent space on site to allow the taproom patrons full access to all 17 stalls during the hours which the taproom is open. Staff also note that there is nearby on-street parking along the north side of the 1100 block of E. Wilson Street: the majority is two-hour parking (8:00 am – 6:00 pm) and the rest is part-time restricted (i.e. no parking Monday – Friday, 7:00 am – 12:00 pm and then two-hour parking 12:00 am – 6:00 pm. For Saturdays, the part-time restricted stalls are just limited during the hours of 8:00 am – 6:00 pm).

### **Supplemental Regulations for Brewpubs**

Brewpubs are also subject to the Supplemental Regulations pursuant to Section 28.151. (Note: a copy of the Supplemental Regulations for Brewpubs has been included in your packet of materials). Generally, the Supplemental Regulations restrict the internal capacity, restricts the brewpubs from holding an entertainment license, and requires the brewpub to operate at all times consistent with and according to the requirements of a valid alcohol license. Since the applicant holds a Brewery Permit and is not permitted (by State Statute) to obtain a Class B liquor license from the City, while they therefore do not have the attached conditions typically associated with alcohol licenses (i.e. capacity restrictions, hours of operation, etc.), such restrictions are nevertheless being established for this conditional use request. Therefore, the Planning Division believes the Supplemental Regulations are met, with the recommended conditions.

### **Public Input**

At the time of report writing, staff has received comments from the Marquette Neighborhood Association noting their approval of the proposal, based on the following conditions: 1) the taproom hours of operation shall be: Monday – Thursday, 3:00 pm – 10:00 pm; Friday and Saturday, 11:00 am – 11:00 pm; and Sunday, 11:00 am – 9:00 pm, with a once a year exception for New Year’s Eve, when the tasting room will be open until 1:00 am; 2) the applicant shall close the garage door nightly by 9:00 pm; 3) maximum indoor capacity will be 100; 4) there will be no smoking of food on site; 5) there will be a maximum production of 10,000 barrels annually; 6) the applicant shall work to have truck deliveries and pick-ups, including trash pick-up, shall occur during the hours of 7:00 am – 5:00 pm, Monday – Friday; 7) if there are issues with odors, the applicant shall work with the neighborhood to rectify the situation; and 8) if there are issues with noise, the applicant shall work with the neighborhood to rectify the situation. 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, and staff recommends that it be approved by the Plan Commission. Factors such as the moderate size of the establishment; the limited hours of the tap room; the limited frequency and duration of product production; the mitigation of the corresponding odors due to HVAC ventilation; the timing and limited number of deliveries; the fact that all activities will occur within the building; and the other proposed conditions of approval will help mitigate anticipated impacts. Staff is mindful of the building’s location roughly 120 feet from the closest residential dwelling unit and, to that end, points out that 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 §28.183(9)(d).

## Recommendation

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

The Planning Division recommends that the Plan Commission find that the conditional use standards can be met and **approve** the request to establish a brewpub in an existing multi-tenant commercial building in the Traditional Employment (TE) District at 1133 E. Wilson Street. 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, (608) 261-9135)

1. The hours of operation for the taproom shall be Monday – Thursday, 3:00 pm – 10:00 pm; Friday and Saturday, 11:00 am – 11:00 pm; and Sunday, 11:00 am – 9:00 pm with a once a year exception for New Year’s Eve, when the taproom can be open until bar time. Future modifications to the hours of operation of the taproom may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.
2. The hours of operation for the brewpub’s beer production component shall be Monday – Friday, 7:00 am – 3:00 pm. Future modifications to the hours of operation of the beer production component may be requested by the applicant in the future as a minor alteration of the conditional use following a recommendation by the district alder.
3. Pending review and approval by the Building Inspection Division, the capacity of the taproom shall not exceed **99 persons**.
4. The applicant shall work with City Staff regarding the placement of the bicycle rack before final sign off.

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

5. 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.

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

6. The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.
7. The site plan shall include a full and complete legal description of the site or property being subjected to this application.
8. The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records. The address for the brewpub in the rear tenant space is 1129 E. Wilson St.

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

9. Due to the increased intensity of use the applicant shall work with TE to improve the irregular site access on E. Wilson. Typically, this would require the shifting the access to the west aligning it with the parking but with infrastructure alternative may have to be explored which may result in changes to the parking geometry and loss of stalls.
10. 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.
11. The Developer shall post a security deposit prior to the start of development. In the event that modifications need to be made to any City owned and/or maintained traffic signals, street lighting, signing, pavement marking and conduit/handholes, the Developer shall reimburse the City for all associated costs including engineering, labor and materials for both temporary and permanent installations.
12. 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.
13. All parking facility design shall conform to MGO standards, as set in section 10.08(6).

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

14. Parking requirements for persons with disabilities must comply with Section 28.141(4)(e). Final plans shall show the dimensions of the required van accessible stall. A van accessible stall is a minimum of 8 feet wide with an 8-foot wide striped access aisle or 11 feet wide with a 5-foot wide striped access aisle. Show the required signage at the head of the stall.
15. Verify the capacity of the proposed brewpub to determine the vehicle parking requirement. Vehicle parking is required at a minimum of 15% of capacity of persons. A vehicle parking reduction may be required per Section 28.141(5). The applicant may reduce the parking requirement by the greater of (5) parking spaces or ten percent (10%) of the required parking. A further reduction of up to 20 spaces may be approved by the Zoning Administrator.
16. Work with Zoning staff to determine the bicycle parking requirements for the tenant uses located on the property. Bicycle parking shall comply with the requirements of Sections 28.141(4)(g) and 28.141(11). For the brewpub, provide short-term bicycle parking stalls equal to 5% of capacity of persons 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.

17. Screening is required adjacent the Zoning district boundary along the south property line. Screening shall be provided alongside and rear property boundaries between commercial/ mixed-use districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height. Submit a detail of the screening fence with the final plans.
18. Show the trash enclosure area on the site plan. All developments, except single family and two family developments, shall provide a refuse disposal area. Such area 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.
19. Submit a rooftop plan showing the location of any existing or proposed rooftop mechanical equipment and screening. New proposed rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district per Section 28.142(9)(d).
20. A future outdoor eating area will require Conditional Use approval from Plan Commission.
21. 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. Work with Zoning staff to establish a final site compliance date.
22. 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.

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

- |   |
|---|
| <p>23. The Madison Fire Department does not object to this proposal provided the project complies with all applicable fire codes and ordinances. Due to the change of use and the occupant load exceeding 100, a fire sprinkler system will be required within the proposed tenant space.</p> |
|---|

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

24. The proposed development may require the installation of a fire protection/automatic sprinkler system (see also Madison Fire Department review comments); subsequently, a higher capacity water service lateral may be required to meet required flow rates. If a new water service will be required, contact Madison Water Utility Engineering Section to evaluate service connection options, confirmation of water meter size, or any applicable customer account revisions.