



## Report to the Plan Commission

April 8, 2013

**Legistar ID: #29230**  
**1418 South Park Street**  
**Conditional Use**

Report Prepared By:  
Kevin Firchow, AICP  
Planning Division

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**Requested Action:** The applicant requests approval of a conditional use to establish a food processing facility in an existing building.

**Applicable Regulations & Standards:** Section 28.061 lists “limited production and processing” as a conditional use in the CC-T (Commercial Corridor-Transition) District. Section 28.183 provides the guidelines and regulations for the approval of conditional uses.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the proposed conditional use at 1418 South Park Street to allow the establishment of a food processing facility in an existing building. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

### **Background Information**

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**Applicant:** Alla Shapiro; NessAlla Kombucha; 1418 South Park Street; Madison, WI 53715

**Contact:** Marc Vrotsos; Sara Investment Real Estate; 6264 Nesbitt Road; Fitchburg, WI 53719

**Property Owner:** Midwest Properties 2, LLC; 6264 Nesbitt Road; Fitchburg, WI 53719

**Proposal:** The applicant proposes to establish and operate a tea brewing facility within an existing multi-tenant building.

**Parcel Location:** The subject site is just over an acre in area, on the west side of Park Street, north of Wingra Creek. The site is located in Aldermanic District 13; Urban Design District 7; and the Madison Metropolitan School District.

**Existing Conditions:** The site includes an existing multi-tenant building. The other tenant space within this building is currently vacant.

#### **Surrounding Land Use and Zoning:**

North: Former US Army Training facility, now undeveloped property owned by the City of Madison, zoned CC-T (Commercial Corridor Transition);

South: Madison Labor Temple, zoned CC-T;

East: Smaller commercial buildings on the opposite side of Park Street, zoned CC-T; and

West: Undeveloped wooded area with an apartment complex beyond, zoned CC-T and TR-U1 (Traditional Urban- Residential 1).

**Adopted Land Use Plan:** The Comprehensive Plan recommends community mixed use development for this site. The Wingra Market Study and Conceptual Redevelopment Plan provides more detailed, long-term redevelopment recommendations for this site and surrounding properties.

**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.

**Zoning Summary:** The property is zoned CC-T (Commercial Corridor Transition District)

Requirements	Required	Proposed
Front yard setback	0'	existing
Rear yard setback	The lesser of 20% of lot depth or 20 feet	15' existing
Maximum lot coverage	85%	Less than 85%
Maximum height	5 stories / 68 See (d) below	1 story
Number parking stalls	1 per 2 employees	27 See Comments # (8) (9)
Accessible stalls	2	2 existing See Comments # (8)(9)
Loading	1	1 existing, not shown See Comment (11)
Number bike parking stalls	1 per 5 employees	0 See Comment (8)
Landscaping	Yes	Yes
Lighting	Yes	Yes
<b>Other Critical Zoning Items</b>	Urban Design District # 7; Barrier free (ILHR 69)	

*Table Prepared by Patrick Anderson, Assistant Zoning Administrator*

## **Project Review, Analysis, and Conclusion**

The applicant, NessAlla Kombucha, requests conditional use approval to establish and operate a food processing facility within an existing two-tenant building. As noted in the attached materials, the applicant would produce a non-alcoholic fermented beverage called Kombucha Tea. "Limited production and processing" requires conditional use approval for properties within the CC-T (Commercial Corridor-Transition) District. Staff notes that this use was previously established at this location without receiving the necessary occupancy permits and conditional use approval is necessary for the use to continue at this site.

The subject building includes two tenant spaces with the other space currently vacant. This property is part of a planned multi-use site having shared access with the adjoining Labor Temple property and the nearby Post Office building.

The facility would operate Monday through Friday, 9 am to 6 pm. Information supplied by the applicant indicates there are seven total employees (including the owners) which could expand by up to four during this year. The applicant indicates that distributor pick-ups will occur about twice a week and deliveries would occur about once a month. Typically, this occurs with smaller trucks and not semi traffic.

Based on the information provided by the applicant, staff does not anticipate this use will have negative impacts on surrounding properties. Staff further notes that the nearest residential units are roughly 500 feet away, separated by undeveloped wooded lands to the west and Park Street and other businesses to the east. Staff notes that the Plan Commission retains continuing jurisdiction over all approved conditional uses. This means that if approved, should issues arise, this item could return to the Plan Commission for further consideration.

The site is in Urban Design District 7. No changes to the exterior of the building are proposed though a revised lighting plan and landscape plan are provided. Al Martin, Secretary of the Urban Design Commission (UDC) has reviewed and administratively approved the plans on behalf of the UDC, contingent on resolution of the following:

- Change out all fixture/lamp types to be code and Urban Design Commission compliant; no high pressure sodium. Use metal halide, incandescent or LED alternative.
- Use bark mulch instead of stone mulch.
- Find alternative to “Dwarf Ninebark” and “Alpine Currant” in proposed plantings.

At the time of report writing staff was not aware of any neighborhood concerns on this proposal. This request is not in conflict with the recommendations of the Comprehensive Plan or the Wingra Market Study and Conceptual Redevelopment Plan. Staff believes the conditional use standards can be met.

### **Recommendation and Proposed Conditions of Approval**

Major/Non-Standard Conditions are Shaded

#### **Planning Division Recommendation** (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission find the conditional use standards are met and **approve** the proposed conditional use at 1418 South Park Street to allow the establishment of a food processing facility in an existing building. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

1. That the applicant revises the lighting and landscape plans as follows:

- a) Change out all fixture/lamp types to be code and Urban Design Commission compliant; no high pressure sodium. Use metal halide, incandescent or LED alternative.
- b) Use bark mulch instead of stone mulch.
- c) Find alternative to “Dwarf Ninebark” and “Alpine Currant” in proposed plantings.

The revised plans shall be provided as part of sign off for the approval of the Urban Design Commission Secretary.

***The following conditions have been submitted by reviewing agencies:***

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

2. Prior to approval the Applicant shall provide detailed information regarding the waste product from the manufacture of Kombucha Tea. An analysis of the waste for solids, CBOD, TKN, and TP shall be required to determine if this facility needs to monitor sewerage waste for billing purposes. Contact Tim Troester at 267-1995 to discuss.

3. The applicant shall submit, prior to plan sign-off, digital CAD files to the Land Records Coordinator in the Engineering Division. (Lori Zenchenko) [lzenchenko@cityofmadison.com](mailto:lzenchenko@cityofmadison.com). The digital copies shall be drawn to scale and represent final construction including: building footprints, internal walkway areas, internal site parking areas, lot lines/ numbers/ dimensions, street names, and other miscellaneous impervious areas. All other levels (contours, elevations, etc) are not to be included with this file submittal. E-mail file transmissions are preferred. The digital CAD file shall be to scale and represent final construction. Any changes or additions to the location of the building, sidewalks, parking/pavement during construction will require a new CAD file. The single CAD file submittal can

be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format. Please include the site address in this transmittal.

4. The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set. (POLICY and MGO 37.09(2)) PDF submittals shall contain the following information: a) Building footprints; b) Internal walkway areas; c) Internal site parking areas; d) Lot lines and right-of-way lines; e) Street names; f) Stormwater Management Facilities; and g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

**Traffic Engineering Division** (Contact Eric Halvorson, 266-6572)

5. When the applicant shall submit plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing and proposed property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the two (2) feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.
6. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to Traffic Signals, Street Lighting, Signing and Pavement Marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
7. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

**Zoning Administrator** (Contact Patrick Anderson, 266-5978)

8. Bike parking shall comply with City of Madison General Ordinances Table 28I-3 (General Regulations). Provide a minimum of two (2) bike parking stalls for said use, additional pike parking shall be required when the remainder of the building is occupied. Bicycle parking design and location shall comply with Sec. 28.141 (11) of the City of Madison General Ordinances. Provide details on final plans, a bike-parking stall is two feet by six feet with a five-foot access area.
9. Pursuant to section 28.151 of the City of Madison General Ordinances. All such uses shall be compatible with adjacent nonindustrial uses. Odors, noise, vibration, glare and other potential side effects of manufacturing processes shall not be discernable beyond the property line.
10. 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 prior to sign installations.
11. Show existing 10'x35' loading zone on final plans.

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

12. During the site verification process, Madison Fire will ask that fire lane access be incorporated into the existing site and documented as future reference.

**Water Utility** (Contact Dennis Cawley, 261-9243)

13. This parcel currently shares a water service lateral with two other parcels which is in violation of Madison Water Utility Rules and Regulations. The owner shall install a new water service lateral from the public water main in South Park Street.

14. This property is not in a wellhead protection district. All operating private wells shall be identified and permitted by the Water Utility in accordance with Madison General Ordinance 13.21. All unused private wells shall be abandoned in accordance with Madison General Ordinance 13.21.

15. The Water Utility will need to sign off the final plans, but not need a copy of the approved plans.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.

**Parks Division** (Contact Kay Rutledge 266-4717)

This agency did not submit a response to this request.