

From: [Joel Gratz](#)
To: [licensing; Clerk](#)
Subject: Kwik Trip Winnebago Street license. Legistar #62957. (OPPOSE LICENSE)
Date: Sunday, February 21, 2021 5:26:46 PM
Attachments: [Kwik Trip License memo 2-19-2021 on legality of School Proximity Issue-Joel Gratz.pdf](#)

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Madison Clerk,

I understand the Kwik Trip/Stop N Go license for Winnebago Street is due for reconsideration at the next council meeting on 2/23/2021.

Please include the attached document in the official Legistar record.

Thanks,

Joel Gratz
10 N. 4th Street
Madison, WI. 53704
608-213-0825

TO: ALL City of Madison Alders

FROM: Joel Gratz
10 N. 4th Street
Madison, WI. 53704
608-213-0825
gratz@speedymail.org

DATE: February 19, 2021

RE: Kwik Trip dba Stop N Go at 2002 Winnebago Street
Granting license would be a violation of Madison Ordinance.
City Council Agenda Item #59 (2/23/2021) Legistar File # 62957

In addition to my previous analysis and concerns about the density of license at Schenk's Corners area near Kwik Trip/Stop N Go at 2002 Winnebago Street I would highlight some new information that was recently presented to me. Granting a new license for Kwik Trip/Stop N Go contravenes Madison Ordinances which prohibit licenses near schools, churches, hospital and libraries. The obvious intent and desire of Madison Ordinances is to prevent certain Class A and B licenses in very close proximity to certain other facilities and gives the Common Council the authority to deny this license request. The public policy desire expressed in Madison Ordinance is to not have licensed premises close to certain community facilities regardless of any other density issues.

Madison Ordinance 38.05 prohibits Class A and B license, such as that requested by Kwik Trip, from being granted within 300 feet of a school.

City of Madison Ordinance 38.05 (3) (f) Schools, Churches, Hospitals and Libraries. No Class A or Class B license or permit may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any public or parochial school, hospital, church or public library, except that this prohibition may be waived by a majority vote of the Common Council. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, hospital or library to the main entrance of the premises covered by the license. The prohibition in this paragraph does not apply to any of the following:

1. Premises covered by a license on June 30, 1947;
2. Premises covered by a license prior to the occupation of real property within 300 feet thereof by any school, hospital, church or library building.
3. A restaurant located within 300 feet of a church, school. This subdivision applies only to restaurants in which the sale of alcohol beverages accounts for less than 50% of its gross receipts.

Kwik Trip/Stop N Go at 2002 Winnebago Street is within 300 feet of the Big Oak Child Care Center two doors down at 2030 Winnebago Street. The measured distance "along the highway" from the main entrance to main entrance as described is approximately 200 feet.¹

¹ Determined with Google Map measurement tool.

Big Oak Child Care Center is a school within the definition of Wisconsin Statutes. Big Oak Child Care Center operates a 4K program under contract with the Madison Metro School District (MMSD).²³ Wisconsin Statutes define public schools in Statute 115.01 (1) "Public schools. Public schools are the elementary and high schools supported by public taxation". (Note that ordinance applies to both public and private schools, though in this instance the school would appear to be a public school given its agreement with and presumed funding from the MMSD.) Further elementary schools include 4K programs, 115.01 (2) in part, "Where reference is made to "elementary grades", the reference includes kindergarten, where applicable. Where reference is made to "kindergarten", the reference includes both 4-year-old and 5-year-old kindergarten, except as otherwise specifically provided." (emphasis added)

I continue to argue that this requested license is in the second highest alcohol density location in the city, there are more alcohol licenses in that area that are near schools than any other place in the entire city and that given the health and safety impacts this may have on youth it is reasonable for the Common Council to exercise their discretion to deny the privilege of a license for Kwik Trip/Stop N Go.

Furthermore, the Common Council has the authority under Madison Ordinance to deny this license and to do otherwise would be to make exceptions to Madison Ordinance rather than consistently applying the approved laws and their intent.

² <https://www.bigoakchildcare.org/programs> retrieved 2/19/2021. **"FOR CHILDREN 4 YRS OLD BEFORE SEPT 1 OF SCHOOL YEAR.** Big Oak has a contract with the Madison Metro School District (MMSD) to offer a 4K program at our center. Parents will register on the [MMSD site here](#) and select Big Oak as their preferred site."

³ <https://earlyed.madison.k12.wi.us/4k-site-information> retrieved 2/19/2021.