



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 1401 Northern Court (6<sup>th</sup> Aldermanic District, Alder Rummel)  
**Application Type:** Conditional Use  
**Legistar File ID #:** [46490](#)  
**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner

## Summary

**Applicant:** Hastings Cameron; 1360 Regent Street; Madison, WI 53715  
**Contact:** Matthew Tills; Tills Architecture; 312. W. Lakeside Street; Madison, WI 53715  
**Property Owner:** Troy Sedlak; Northern Court, LLC.; 1337 Williamson Street; Madison, WI, 53703

**Requested Action:** Approval of conditional uses to convert an existing building into a light manufacturing facility, distillery, and tavern at 1401 Northern Court.

**Proposal Summary:** The applicant proposes to repurpose the space for a light manufacturing facility, distillery, winery, and a tasting room (i.e. a tavern). Renovations to the existing building include the build-out of the interior and replacement of the majority of the exterior doors and windows.

**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 *Distillery*, a *Tavern*, and *Light Manufacturing* each as a conditional use in the Traditional Employment (TE) District (a winery is a permitted use).

**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 light manufacturing facility, distillery, and tavern at 1401 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 6,090-square-foot (0.14-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 roughly 6,090-square-foot, one-story industrial building. It has two tenant spaces: to the west a roughly 3,650-square-foot space currently occupied by a window insulation manufacturer and retailer, and to the east a 2,440-square-foot currently vacant space. The building backs up to the railroad tracks.

### Surrounding Land Use and Zoning:

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

**East:** Immediately adjacent is a distillery with an attached tasting room (note: this building shares a party wall with the building on the subject site), beyond which is a construction contractor’s workshop and office, all are 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:** Across S. Dickenson Street are two industrial manufacturing buildings, both zoned TE.

**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.	14,859 sq. ft.
Lot Width	50'	203'
Front Yard Setback	None	None
Side Yard Setback	None unless needed for access	None
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
Number Parking Stalls	No minimum	None
Accessible Stalls	None	None
Loading	None	None
Number Bike Parking Stalls	Light manufacturing: 1 per 10 employees (1) Tavern/ tasting room: 5% of capacity of persons (TBD) (2 minimum)	3 interior wall mounted <i>(See Comment #14)</i>
Landscaping and Screening	Not required	None <i>(See Comments #15 &amp; #16)</i>
Lighting	Not required	None
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, including nearby all-day Metro Transit Routes 0.2 miles away on both East Washington Avenue and Williamson Street.

## Project Description

The applicant proposes to open a light manufacturing facility, distillery, winery, and attached tasting room (i.e. a tavern) at 1401 Northern Court in a currently-vacant, 2,440-square-foot tenant space in a roughly 6,090-square-foot industrial building. (Light manufacturing facilities, distilleries, and taverns require conditional use approval, whereas wineries are permitted, in the Traditional Employment (TE) District).

The applicant's intent is to create a facility that will foster the research, development, and market-testing (i.e. scalable production that doesn't require large capital commitments) of a broad range of beverages. Much like a more-traditional business incubator, the facility will also offer clients assistance with execution and packaging/branding of an existing recipe, as well as corresponding support with federal approvals.

As described by the applicant, the facility's initial production will consist of:

90-95%: Liquor/spirits blending, bottling and labeling/branding, packaging, etc. (This is considered *Light Manufacturing* by the City's Zoning Administrator). The work will primarily focus on liqueurs/cordials and vermouths made by maceration (infusion) and filtration whereby produce and/or aromatics will be combined with spirits and wine produced by local and regional distilleries (the production cycle lasts between three and 30 days). Initially, the facility will not engage in production that involves fermentation and distillation, but will conduct some research and development for future products that involves those processes.

0-5%: Fermentation (Winery Use). The applicant has noted that they are pursuing a winery permit in order to be able to allow their clients to be able to create test batches (and test their marketing potential) of such drinks as vermouth and comparable fortified wines. Such activity has been noted as extremely limited and focused primarily on research and development.

0-5%: Distillation (Distillery Use). Similar to the winery use above, the distillation would also be a minor component of the facility, focused primarily on research and development with equipment likely limited to test batches not larger than three liters in capacity. It is assumed that a client would partner with a more conventional distillery to produce a larger production run.

Note: Per state statute a distillery/rectifier and winery are not required to hold a municipal alcohol license. Regarding the liquor license for the tavern use, at the time of report writing, the applicant is currently in discussion with City Staff regarding his requirement to obtain a Class "B" liquor license from the City in order to serve to the public. (Please note: Liquor licenses are not approved by the Plan Commission).

As the tenant space is currently unfinished warehouse space, a complete interior renovation is proposed. This will consist primarily of adding interior walls and outfitting the space with the various equipment for the range of uses (as described above). Shaped like a backwards "P", the production, processing, distilling, and fermenting will all primarily occur in the area along the western wall which is labeled "107" and "108" on the floor plan. The smaller, 214-square-foot storage/blending/processing room to the north will be used for production of any products with greater than 20-percent alcohol. The rest of the production, including the distilling and fermenting, will occur in the larger processing space. Various shelves and processing equipment will be adjacent in the center of the tenant space. A room for beverage preparation will be located off this production space and will lead to the bar in the tasting room. Accessed via a hallway heading south from the production space, a storage and receiving space (along with three hanging bike stalls) will be located at the rear of the building. The existing overhead door will be removed and replaced with a slightly smaller one and a pedestrian door will be added.

The eastern half of the tenant space will be the public-facing side with a roughly 630-square-foot tasting room (considered a tavern by the Zoning Code) located in the northeast corner of the building (along Northern Court) with primary access from the street for customers via a door located in the front corner of the space. The tasting room will have occupancy for 45 with its three 4-person tables, two 2-person tables, two 6-person high-top tables, and 12 seats at the bar. Note: The maximum capacity of the tasting room shall be determined

by the Building Inspection Division prior to final signoff. A backwards “L”-shaped bar is situated at the back of the room and oriented parallel to Northern Court. A hallway along the eastern party-wall (shared with the State Line Distillery to the east) leads from the tasting room to two restrooms as well as a secondary customer entry door at the rear of the building.

Exterior changes to the building will be minor and largely a replacement to what currently exists. For the northern façade along Northern Court, the existing entry door will be replaced with a wood-framed glass door and a new lighting fixture will be added above. The western-most window will be replaced with painted steel double-doors (providing entry to the production space for staff). The three central clerestory glass-block windows will be replaced with aluminum storefront windows – the two western windows will be the same size as those existing while the eastern window, adjacent to the primary customer entrance, will be much taller and will extend down in order to function more like a typical retail window.

For the hours of operation of the tasting room, the applicant is requesting Monday–Wednesday, 4:00 pm–10:00 pm; Thursday–Friday, 4:00 pm–11:00 pm; Saturday, 11:00 am–11:00 pm; Sunday, 11:00 am–10:00 pm with a once a year exception for New Year’s Eve, when the tasting room will be open until bar time. For the facility’s light manufacturing, distilling, and fermenting components, the applicant is requesting Sunday–Saturday, 9:00 am–5:00 pm. (These hours of operation are consistent with the recommendations of the Marquette Neighborhood Association).

Regarding odors, the applicant has stated that the smells from the facility will be almost negligible. Any odors from the maceration, distilling, and/or fermenting processes will be mitigated significantly, as 1) the processes do not involve the boiling of the grains, 2) the distilling process, which uses a vacuum still, is a closed-loop system, and therefore does not throw off vapor, 3) the distilling and fermenting components will be used very infrequently, given the fact that they constitute such a fractional part of the facility’s production, and 4) 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 overhead door which will be installed on the southern façade and will only occur during regular business hours (i.e. Monday–Sunday, 9:00 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 for employees will be accommodated via the three vertical stalls located along the wall of the shipping/receiving area. The applicant is currently in conversation with the landlord and city staff regarding additional bicycle stalls adjacent the building in the public right of way. For automobile parking, the Traditional Employment (TE) District does not have minimum parking requirements but there is two-hour parking available along Main Street as well as nearby parts of S. Dickenson Street during the day.

Signage information is not approved by the Plan Commission and this application does not include signage details.

## Project Analysis and Conclusion

The application is subject to conditional use standards as light manufacturing facilities, distilleries, and taverns 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. 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, Staff notes the adjacent building was previously approved for a distillery and the subject building includes another non-residential tenant. Staff believes the proposed uses could be found compatible given the surrounding uses.

The Planning Division believes that if the light manufacturing facility, distillery, and tavern 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 timing of deliveries; the building's location roughly 300 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 §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 closing time for the tasting room of 10:00 pm, Sunday–Thursday, and 11:00pm, Friday–Saturday that was also agreed upon by the applicant at their neighborhood meeting. While they are also supportive of allowing the tasting room to remain open until bar time on New Year's Eve, they have asked that that the requested conditional uses be non-transferable (and therefore not apply to future owners or operators of the property). Finally, 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 light manufacturing facility, distillery, and tavern at 1401 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. The hours of operation for the tasting room shall be Monday–Wednesday, 4:00 pm–10:00 pm; Thursday–Friday, 4:00 pm–11:00 pm; Saturday, 11:00 am–11:00 pm; Sunday, 11:00 am–10:00 pm with a once a year exception for New Year’s Eve, when the tasting room can be open until bar time. Future modifications to the hours of operation of the tasting room 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 facility’s light manufacturing, distilling, and fermenting components shall be daily, 9:00 am–5:00 pm. Future modifications to the hours of operation of the light manufacturing, distilling, and fermenting components 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 tavern (tasting room) shall not exceed **45 persons**.

**City Engineering Division** (Contact Timothy Troester, (608) 267-1995)

4. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)
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 – Mapping** (Contact Jeffrey Quamme, (608) 266-4097)

6. The site plan shall identify lot and block numbers of recorded Plat of Fox's Replat. Also denote and provide dimensions to the property line between 1401 and 1413 Northern Court that runs within the common wall.
7. Add a note on the Site plan referring to the Encroachment Agreement per Document No. 5308754 permitting the improvements that encroach into the Railroad Street right of way along the rear of the building. Also remove the "RR ACCESS EASEMENT 33' WIDE" note and insert a label "Railroad Street - Unimproved".
8. If a monitoring manhole is ultimately required in the public right of way of Northern Ct, an amendment to the existing encroachment agreement per Document No. 5308754 will be required.
9. The address of Creative Energy is 125 S Dickinson St. Update site plan accordingly. 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.

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

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. All parking facility design shall conform to MGO standards, as set in section 10.08(6).
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. Prior to final sign off the applicant shall provide Traffic Engineering for review all applicable cross access and/or applicable leases.

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

14. A bicycle parking reduction will be required per Section 28.141(5) for the type of bicycle parking proposed. Work with Zoning staff to establish the minimum bicycle parking requirements per Sections 28.141(4)(g) and 28.141(11) for the proposed project. Provide a detail of the proposed wall mounted bicycle hangars. Note that bicycle parking located within the public right-of-way may not count toward the minimum requirement.
15. 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.
16. Obtain appropriate approvals for structures proposed within the public right-of-way. Structures proposed to be located within the public right-of-way, including a refuse container or bike racks require Privilege in the Streets approval through the City of Madison Office of Real Estate Services. Note that bicycle stalls located in the public right-of-way do not count toward the minimum bicycle parking requirement.
17. Submit a detail of the proposed rooftop mechanical equipment and screening. All 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).
18. 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.

19. 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)

20. Extend the fire sprinkler system from the adjacent tenant and incorporate pipe sizes and feeds to extend the system to the remaining portion of the building at a future remodeling date.

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

21. The proposed development appears to 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. Verify existing 2-inch diameter water lateral tail (off 6-inch service connection) is sufficient to serve the proposed fire protection system. Contact Adam Wiederhoeft at [awiederhoeft@madisonwater.org](mailto:awiederhoeft@madisonwater.org) to determine if any additional new customer account requirements will be associated with the proposed fire protection system and if the domestic water meter is sized to accommodate proposed supply fixture units.

22. As part of the 2016 City of Madison roadway reconstruction/resurfacing of Northern Ct, the purchaser/owner of 1401 Northern Ct had requested and committed to purchase an upgraded 6-inch water service connection to the water main (with the existing 2-inch tail reconnected beyond the road pavement). Prior to approval, contact Adam Wiederhoeft at [awiederhoeft@madisonwater.org](mailto:awiederhoeft@madisonwater.org) to review/confirm the final service upgrade fee and arrange for payment.

23. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.