

From: Zellers, Ledell
Sent: Sunday, August 23, 2015 7:38 AM
To: Wendt, Jay; Parks, Timothy
Cc: Tucker, Matthew
Subject: Fw: Plan Commission 8/24

Please share the following with all Plan Commission members.
Thank you

Alder Ledell Zellers
608 417 9521

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From: Marsha Rummel
Sent: Saturday, August 22, 2015 7:40 PM
To: Gary Tipler
Cc: Linda Lehnertz ; Ledell Zellers ; Leslie Schroeder; Nick Schroeder
Subject: Re: Plan Commission 8/24

Gary- Thanks for including me in the conversation. Linda- Thanks for your diligent reading of agendas.

The impetus for this zoning text change comes from the experience of a neighbor near Barriques on Park St. Apparently Barriques was roasting coffee for all their locations at this site, which was not permitted as it turns out (only for the premises not all 3 or 4 shops). There were days that the neighbor says the side street he lives on was a haze of smoke, he would call the Fire Dept. He successfully petitioned to have his property tax assessment reduced. The story is more complicated but that's what started Zoning Admin Matt Tucker on this path.

After I met this neighbor at an event in late 2014 and he talked about how bad it was, I contacted Matt. Matt talked to other coffee roasters and did other research. He has been working on this zoning text change for a while and recently asked me if I wanted to co-sponsor along with D13 Alder Sarah Eskrich (I thought she signed on...) I told Matt I was concerned about the removal of the odors, noise vibration language, and, I really wondered how a BBQ smoking operation fit in. He thought that because the smoking was done inside, the regs about restaurants covered it. He wanted to get rid of the language because more 'flexible'.

Ledell please make sure this gets a complete vetting. I know it is intended to complement of our pro local food efforts. TSS districts usually are mixed use and are adjacent to residential streets. It's good to create a conditional use trigger but we need to make sure

that effects of smoke, vibration and odor get addressed. Plus how does a meat smoking operation, used as form of cooking, fit into this?

Marsha

On Sat, Aug 22, 2015 at 2:29 PM, Gary Tipler wrote:
Linda,

Thank you for noting this.

This doesn't make sense. I wonder where this is coming from. It is timely per the problems with the barbeque joint that just went in on Paterson at Williamson and is "processing" food in addition to the permitted preparation of food. Leslie has found the 24/7 machinery at that restaurant to be a huge problem.

Marsha, please lobby for a delay on this.

On Sat, Aug 22, 2015 at 1:50 PM, Linda Lehnertz wrote:

Item #9 on the Plan Commission's agenda (Legistar 39500) is a public hearing on a zoning text amendment. This amendment is described as permitting wholesale food production as a conditional use in the TSS, CC-T and CC districts. It adds 15 types of limited production and processing, which currently are not allowed in TSS districts, to be a conditional use in TSS.

I see the following as problems:

1. Clear language regarding the conditional use conditions is being deleted. ("Odors, noise, vibration, glare and other potential side effects of manufacturing processes shall not be discernable beyond the property line.") Rather than having a clear standard, the Plan Commission will need to make a general determination whether a limited production and processing use is "compatible" with adjacent uses, and will need to impose any conditions that are required to make the use "compatible."
2. All limited production and processing in the TSS, DC, CC-T and CC districts would have to have a retail presence (not just for wholesale food production).
3. The existing ordinance already permits limited production and processing to include "wholesale and off-premises sales." The existing ordinance already allows for limited production and processing of "food and beverage products" with some exceptions (live slaughter, grain milling, cereal, vegetable oil or vinegar processing). Thus, adding "wholesale production of foods" to the list of activities does not add anything to the ordinance.

4. If the Plan Commission does not attach a condition (e.g., vibrations shall not be felt beyond the property line), then the Commission will not be able to revoke a conditional use permit when those vibrations are felt 24/7 by hundreds of residents and business up to 500 feet away.

Linda