

Plan Commission,
Meeting of October 15, 2018
Agenda #16, Legistar #53221, Amending Sections 28.211, 28.151, 28.061, 28.072, 28.082 and
28.091 of the Madison General Ordinances

Expanding Alcohol to NMX

The original draft amendment would have amended Table 28D-2 to allow brewpubs and restaurant-taverns as permitted uses in NMX and LMX. Currently, those uses require a conditional use approval. The Substitute Version would keep restaurant-taverns as a conditional use in LMX and NMX. However, brewpubs would be a permitted use. Not even brewpubs should be a permitted use.

Examples of brewpubs are Lucky's, Great Dane and Vintage. These establishments have a state brewpub permit. These establishments are allowed to brew beer on the premises:

"Brewpub. An establishment which manufactures up to ten thousand (10,000) barrels of fermented malt beverages per calendar year on premises for consumption either on or off premises in hand-capped, machine-capped or sealed containers in quantities up to one-half barrel or 15-1/2 gallons sold directly to the consumer. May include food sales."
MGO 28.211.

Further, brewpubs can sell liquor. Lucky's, Great Dane, and Vintage all have Class B Combination licenses.

The Staff Report claims: "LMX and NMX are not significantly different form (sic) TSS Traditional Shopping Street, where the use is a Permitted Use." I am unsure whether there is any LMX remaining. But NMX is, and should be, significantly different.

First, the purpose of NMX is to "encourage and sustain the viability of commercial nodes that serve the shopping needs of residents in adjacent neighborhoods." On the other hand, TSS is to "encourage and sustain the viability of Madison's mixed-use corridors, which sustain many of the City's traditional neighborhoods." Alcohol may be a way to sustain the viability of mixed-use corridors, such as TSS. But alcohol does not serve the shopping needs of residents near NMX areas.

Second, NMX locations are often little pockets set amongst residential properties. For example, on E. Wilson and S. Baldwin there are NMX pockets with residential on either side. This area was recently specifically addressed by the Plan Commission and the decision was made to make this area (except for the most western NMX by Few St.) Low Residential.



Another example of NMX is the Jenifer Street Market. Should a Lucky's/Vintage/Great Dane be able to be located here? Should beer be brewed right in the middle of a neighborhood? Should beer be brewed where other foods and beverages cannot be produced per MGO 28.061?



For the NMX on Williamson, the only alcohol use is Mickey's on the northeast corner, which originally was just a local neighborhood bar. (Banzo was given conditional use approval as a restaurant-tavern and a license to sell only beer and wine, but I do not believe they ever implemented that use. If not, the CU approval expired this past April per MGO 28.183(9).)



Some of the other NMX areas in the City include the following:

- West Lakeside (the block with Baha'i Faith, Nutzy Mutz, Quintessence, Cronometro cycles). Surrounding uses are all residential, except two small offices to the west.
- The corner on Regent Street near West High School (Regent St Coop, Stony Hill Antiques, Milio's, a therapy provider, and a gallery that also has classes). Surrounding uses are residential, and the Coop and Milo's are frequented by students.
- The Speedway/Mineral Point corner (coffee, towing/service station, hair salon, gas station, Wisconsin Geological and Natural History Survey) and the funeral home just to the northeast.
- 2013-2205 N. Sherman (apartments, real estate office, proposed coffee shop, office building, 2-unit flat, Goodwill residential, vet clinic, chiropractic clinic). Surrounded by residential, and one neighborhood bar.
- Corner of N. Baldwin and E. Johnson (6-unit apartment, Newport's Wooden Furnishings). Surrounded by residential.

Some of the NMX areas do have alcohol. But these alcohol uses are former little neighborhood bars that once served surrounding residences, bars which have intensified in use over the more recent years.

There needs to be some place for small business. As has been seen in TSS, landlords like the higher rents they can get from uses that involve alcohol. If alcohol becomes a permitted use in NMX, that will create further pressure on small businesses, and also cause intensified traffic and noise in primarily residential areas.

Location of Tasting Rooms

Tasting Rooms in DC and UMX

Tasting Rooms would become a conditional use in all mixed-use and commercial districts, except for LMX, but not in the downtown/urban districts.

In TSS, MXC, CC-T and CC, brewpubs, restaurant-taverns, and taverns are all permitted uses. The same is true for DC and UMX, and for employment districts. If these districts all treat alcohol the same, shouldn't tasting rooms also become a conditional use in DC and UMX?

If the perspective is that DC and UMX already have enough alcohol uses, then that rationale should also be applied to TSS.

- Alder Verveer's business district is primarily DC and UMX and has approximately 128 establishments with a Class B license.
- Alder Rummel's business district is primarily TSS and has approximately 84 Class B licenses, plus 4 breweries, 2 distilleries, a winery and a soon-to-be tasting room.
- The next highest districts are District 13 (approximately 48 Class B licenses) and District 17 (approximately 47 Class B licenses).

Accessory Use in Employment Districts

In all employment districts (TE, SE, SEC, EC, IL, IG), a tasting room would become an accessory use subject to conditional use approval.

The only districts in which a tasting room should be able to be an "accessory use" is in the TE, IL and IG districts. A distillery is a conditional use in TE, IL and IG. A winery is a permitted use in TE, IL and IG. A brewery is a conditional use in TE and IL and a permitted use in IG.

Respectfully submitted,
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