

Alcohol License Review Committee  
October 15, 2014  
Legistar 35442 and 35028

The Marquette Neighborhood Association has not voted on whether to support this application. We wish to let the ALRC know that there are some neighborhood concerns regarding these applications. These concerns may be able to be worked out given more time.

**Legistar 35442, Entertainment License**

The ALRC agenda lists this item as "21+ Entertainment License." Yet the application appears to be requesting both the "21+ Entertainment License" and the "Visual & Performing Arts License (18+)."

Neighbors have expressed concerns about the potential noise level. The following are the residential uses within approximately 200 feet of the proposed bar (per the City Assessor records).

1207 E Wilson: 10 unit apartment building (efficiencies)  
1217 E Wilson: 10 unit apartment building (efficiencies)  
1229 E Wilson: 2 unit  
1233 E Wilson: single family  
1235 E Wilson: single family  
1237 E Wilson: single family

1212 Williamson: 2 unit  
1214 Williamson: 2 unit  
1216 Williamson: apartment and store (8 efficiencies)  
1230 Williamson: 2 one bedrooms  
1236 Williamson: store and 3 units  
1238 Williamson: 2 unit  
1242 Williamson: 2 unit

The ALRC has had to deal with excessive noise from other establishments, located in residential settings, which have an entertainment license. Plan B is an older example. Lakeside Street Coffee House is a more current example. 1224 Williamson is an older building that does not appear to have adequate sound insulation (based upon the report of a resident who toured the space). As with Plan B, this could easily lead to neighbors having to endure the noise and/or filing complaints with the ALRC.

Within one block of 1224 Williamson, there are already three establishments with an entertainment license (total capacity of 297 persons): Jolly Bob's, Weary Traveler, and the Crystal Corner. The requested license will add another 99 persons, or a 33% increase in capacity.

At a neighborhood meeting it was reported that the ALRC referred the application until site and zoning issues were worked out. The zoning issues do not appear to have been worked out. 1224 is zoned TSS. Under TSS, a nightclub is a conditional use, as is a restaurant-nightclub established after July 1, 2014.

“D) Restaurant – Nightclub

A business with kitchen facilities that serves meals and alcohol for consumption on the premises, and also provides entertainment (see Section 5).

E) Nightclub

A business without kitchen facilities that serves alcohol for consumption on the premises, and also provides entertainment (see Section 5) Pizza made in a pizza oven, popcorn, and other snacks that do not require a kitchen may also be sold in a Nightclub.”

<http://www.cityofmadison.com/clerk/documents/LocationGuide2014.pdf>

Since Legistar does not reflect any conditional use request, or rezoning application, an entertainment license would seem to be premature.

We respectfully request that the ALRC not grant an entertainment license until (1) it can be reasonably certain the noise will be contained within the establishment, (2) the property is rezoned or receives a conditional use permit.

**Legistar 35028 Class B Beer and Class C Wine**

The concept of this establishment seems to have changed from its application. While it originally appeared to focus on painting, with food and drink available, it now appears to focus on drink and food, with painting available.

- The application states “[w]e are a Paint cafe that serves food and drinks to our customers.” Their primary target market is “women ages 25-60 who enjoy painting and socializing w/ friend/family.”
- In a September 11<sup>th</sup> Capitol Times article, the co-owner was quoted as saying “[w]e are a paint studio ...” This article also stated the co-owner said Paintbar Madison would work in two ways: people can come in and choose a canvas or take an art class. The article said “[a]t Paintbar, Salituro hopes to be accessible for the artist who wants to have a glass of wine and free paint on her downtime, as well as the guy on a first date who hasn't put on a painting smock since elementary school.”  
[http://host.madison.com/news/local/city-life/with-a-paintbrush-in-one-hand-and-a-glass-of/article\\_8ed15b7b-77d7-59f4-b29d-cd7deebb438b.html#ixzz3GERBb7ub](http://host.madison.com/news/local/city-life/with-a-paintbrush-in-one-hand-and-a-glass-of/article_8ed15b7b-77d7-59f4-b29d-cd7deebb438b.html#ixzz3GERBb7ub)
- In a Wisconsin State Journal article of October 9<sup>th</sup>, the article leads with “A Pewaukee couple is opening a restaurant and bar on Williamson Street where painting is optional.” It goes on to say “[t]he one in Madison will be focused more on just being a restaurant along with having the painting experience as well,” Salituro said.” Also, “[w]e just wanted to get more into the feeling of a creative environment, still offering food and drink and the option to paint,” she said, “but making people feel comfortable that if they don't want to paint, they can come in and enjoy a drink and be in the creative

environment." "Customers can come in to eat and drink and not paint, or come in to paint and not eat or drink, she said."

[http://host.madison.com/entertainment/dining/blog/restaurant-news-paintbar-will-offer-food-and-drinks-the-art/article\\_d838a940-514f-5ceb-8044-9ef51c8d99eb.html#ixzz3GESB1cUe](http://host.madison.com/entertainment/dining/blog/restaurant-news-paintbar-will-offer-food-and-drinks-the-art/article_d838a940-514f-5ceb-8044-9ef51c8d99eb.html#ixzz3GESB1cUe)

The concept of a paint bar is interesting. A bar with a painting-associated marketing concept is not as interesting of an addition to an area that already has numerous alcohol licenses.

Also of concern is the outdoor patio and/or indoor/outdoor garage space. The neighborhood has not supported outdoor seating areas that abut residential uses. Further, even if it is determined that the outdoor space would not be intrusive to the residential uses, such space should close by 10:00 p.m.

Parking is of concern to neighbors, given the other nearby uses. Although this is likely not ALRC's concern, a parking reduction appears to be needed under the zoning ordinance. (Application question #13 about parking provides an answer claiming that public parking exists across the street. The Willy Street Coop is across the street. Although the Coop does allow its customers to park in its lot while using other local businesses for a short period, it is not a public lot.)

Question #16 lists the liquor license agent as Karen Wilman. Question #22 lists the owners as Karen Wilman and John Saliture.

- The Wisconsin Department of Financial Institutions lists the registered agent of Paint Cafe, LLC as Karen Ann Salituro.
- The application for the entertainment license reflects Karen Wilman Salituro.
- The co-owners name appears to be John Salituro, not John Saliture.

The application anticipates that alcohol sales will be limited to 25% of total sales. If this establishment is going to be something other than a bar, it would be appropriate to limit alcohol sales to the 25% or, at most, 50%.

The application states in question 58 that documentation for the projected sales percentages does not exist. Yet the co-owner co-owns two Arte Wine and Painting Studios, one in Wauwatosa and one in Delafield. These records would provide some substantiation of the projections. If these establishes sell, for example, 50% alcohol, then it would be reasonable to assume that the Paintbar, with less focus on painting, would sell an even higher percentage of alcohol.

We respectfully request the ALRC to (1) not permit outside alcohol consumption (except along Williamson Street), (2) require the entire establishment to be closed by 12:00 a.m. (in accordance with the hours stated in the application) and, (3) limit alcohol sales to, at most, 50%.

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