

**Below are the main issues to consider in whether or not to grant Barriques a conditional use permit to be able to continue roasting coffee beans for off site use at 961 South Park Street with comments for each issue.**

**28.183 CONDITIONAL USES.**

(1) Statement of Purpose.

This Chapter divides the City into districts where the design, use, bulk and location of buildings and structures are compatible. However, some uses, and in some cases, design, bulk, and building location, have unique characteristics, and therefore cannot be properly allowed as unrestricted permitted uses.

**The City requires consideration, in each case, of their impact on neighboring land or public facilities, and of the public need for the particular use at a particular location.**

There is no public need for a coffee roasting facility at 961 South Park Street. Barriques has six other cafes that operate just fine without the need to roast coffee beans at that cafe. When Barriques had only 5 cafes they bought all of their roasted coffee beans wholesale and did not roast any of their own coffee beans. Barriques failed to adequately research the feasibility and suitability of roasting coffee beans on site at 961 South Park Street when they began plans to open their sixth cafe at that location. Barriques coffee roasting operation at 961 South Park Street has been in violation of Madison zoning code since August 16, 2011 and their certificate of occupancy should have been declared null and void after that date.

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

Why has Madison Public Health not provided written documentation to the Plan Commission of all the citizen complaints and exactly what was done to address each complaint. Where is the data that shows results of any testing they have done regarding the coffee roasting fumes? Who did they contact to make their determination that Barriques has all the necessary permits to be able to roast coffee beans on site for sale and use off site. Where is all documentation for Public Health claims that the fumes are not an air quality hazard. They say the fumes are not a health hazard, a statement I disagree with. Yet, at least 3 residents who live within 200 feet of Barriques reported having to flee inside whenever the fumes were present and at times strong enough that they had to use their asthma inhalers. Sally Ulrich, who lives less than 200 feet from Barriques, is always on oxygen due to respiratory issues cannot take the chance to open windows at all in the summer or even go outside and enjoy the yard of the house she has lived in since the 1930's. I think these fumes are a health hazard for many of the nearby neighbors. Furthermore, mental health is also a health issue. Barriques is literally driving people crazy with the overbearing potential of noxious fumes blowing their way at any time for six hours a day and five days a week, 260 days a year. The fumes are a health issue and the Madison Health department should start doing more to investigate complaints and truly protect the very people who pay their salaries, Madison taxpayers.

3. The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.

When the roasting fumes are blowing their direction, nearby neighbors cannot use their yards, They are forced to go inside and shut their windows or even sometimes leave their property to get away from the fumes. They hesitate to plan to do any outside activities in their yard or invite friends or neighbor over during the day when there is the potential of wind and weather conditions to blow the fumes their way. Even people who live further away but like to walk or bike through this area often need to pick up their pace and move through quickly to get away from the fumes. I need not say more.

16. When applying the above standards to an application for limited production and processing use, the Plan Commission shall consider the effect of such a use on the surrounding properties, including the effects of odors, noise, vibration, glare, hours of operation, and other potential side effects of a manufacturing process.

This is not just an odor issue. The coffee bean roasting process produces fumes as well as an odor. These fumes contain varying amounts of air pollutants such as carbon monoxide, NOx gases, and other gases that are considered air pollutants as well as microscopic particles that could be inhaled deep into a person's lungs and cause long term exposure problems.

Furthermore, the Plan Commission should consider whether this coffee bean roasting operation is in violation of Madison Zoning Code 28.133 Environmental Protection Standards.

Excerpt from Chapter 28 Zoning Code

#### **28.133 ENVIRONMENTAL PROTECTION STANDARDS.**

##### **(1) General Standards.**

(a) All uses shall be conducted so as to prevent or substantially minimize any nuisance, hazard, or commonly recognized offensive conditions, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination.

(b) No use shall result in the harmful discharge of any waste materials across the boundaries of the subject property or into the ground, into any sanitary or storm sewer system, into any water body or water system, or into the atmosphere.

(c) The Zoning Administrator may require evidence of adequate controls on any potential nuisances or hazards prior to issuing a zoning or occupancy certificate.

##### **(2) Activities Which May Be Potential Hazards or Nuisances.**

(a) Productive Processes. All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods or products shall be conducted in such a manner whereby there shall be no danger of fire or explosion, no offensive noise, vibration, smoke, dust, odor,

glare or heat, and no objectionable influence detrimental to the public health, safety, comfort or general welfare of the immediate neighborhood or community.

Barriques has not substantially minimized their roasting fumes and odor. I met with Matt Weygandt in June 2016 and gave him a list of steps that I believe should be taken to successfully resolve the roasting fume and odor issue. [Here is a link to that list of steps I gave Matt Weygandt.](#) Matt said that he would do some roasting exhaust gas testing in the process of cleaning and tuning his afterburner and catalytic converter this summer. However, he said that he would not look into getting a new more energy efficient "smokeless" coffee roaster as I suggested. Nor was he interested in looking into equipment such as wet scrubbers or electrostatic precipitators that many larger coffee roasting and food production operation use to better reduce fumes and odors. Matt Weygandt said that these options would be too expensive for him to consider. I told him then that if he is unable to substantially reduce the roasting fumes, he will need to look into relocating the coffee bean roasting to a location further from any residential area.

Rather than working with Bay Creek Neighborhood representatives over the summer in Barriques attempts to reduce roasting fumes and odor, Matt Weygandt has ignored all attempts to contact him by phone or email. Furthermore, Matt Weygandt has failed to supply documentation of all changes to his coffee roasting equipment nor has he supplied any data from the exhaust gas testing he said he would have done. I even wonder if he did any exhaust gas testing at all.

I ask that the Plan Commission deny the conditional use permit Barriques has requested for the above reasons.

Ron Shutvet  
Madison WI

September 19, 2016