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In re: Conditional Use Application of Matt Weygandt/Barriques
961 S. Park Street, Madison WI
Plan Commission Agenda Item 7

I have the honor of representing the Bay Creek Neighborhood Association in opposition to the above referenced conditional use permit. Unfortunately, I have an out of city conflict that I have to attend to and cannot appear in person this evening. I have asked my partner Kraig Byron to take my place this evening on this matter.

On the factual background I respectfully direct you to the excellent memo of the Bay Creek Neighborhood Association dated September 12, 2016. It is a full and complete summary of the factual background and there is no need to restate it here.

Unlike rezonings, which are legislative in nature and highly discretionary with the governing body, conditional use permits are binary in nature. If the conditional use conditions are met, the applicant is entitled to the conditional use permit. If the conditional use conditions are not met, the applicant is not entitled to the conditional use permit.

Mr. Weygandt/Barriques has applied for a conditional use permit under Section 28.151, MGO, for limited production and processing (uses that produce minimal off-site impacts due to their limited nature and scale, are compatible with office, retail and service uses, which may include wholesale and off-premises sales, and are compatible with adjacent nonindustrial uses). Mr. Weygandt/Barriques uses and proposes to continue use of a portion of his 961 S. Park Street retail facility to roast coffee for his seven retail outlets, for specialty coffees, and for internet sales.

The Bay Creek Neighborhood Association submits that based upon the evidence presented to the Plan Commission that the coffee roasting operation has violated and continues to violate Conditional Use Standards, specifically Section 28.183 MGO standards 1 (The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare) and 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). On the latter-standard-first, the record, including the Association survey and the individual emails and letters, clearly establish that the roasting operation negatively effects the residential enjoyment of the neighboring properties. On the former standard, while there may not be proof that that roasting is an initial cause of health related problems of the neighboring residents, there is clear evidence that roasting is a trigger and/or compounding factor in existing breathing problems of some of the neighboring residents.

We have heard that Mr. Weygandt/Barriques plans on moving his/its roasting operation as his retail chain continues to grow, although we have not heard of any specific trigger point. The Association tried to work with Mr. Weygandt/Barriques to no avail. Since the problems remain, and since Mr. Weygandt/Barriques does not meet the conditional use standards now, he/it needs to bite the bullet and move his roasting operation to a non-residential area like his/its comparatively sized competitors have.