



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 506-518 E Wilson Street and 134-148 S Blair Street  
**Application Type:** PD(SIP) Alteration  
**Legistar File ID #** [81267](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted  
**Reviewed By:** Matt Tucker, Building Inspection Division, and Katie Bannon, Zoning Administrator

**Summary**

**Applicant & Property Owner:** Robert L. Worm, JDJ Import Company, LLC; 516 E Wilson Street; Madison.

**Contact Person:** Kevin Burow, Knothe & Bruce Architects, LLC; 8401 Greenway Boulevard, Suite 900; Middleton.

**Requested Action:** Consideration of an alteration to an approved Planned Development–Specific Implementation Plan (PD-SIP) to allow outdoor recreation, weekly outdoor events, and special seasonal events in the parking lot for the adjacent restaurant-taverns at 506-518 E Wilson Street and 134-148 S Blair Street.

**Proposal Summary:** The applicant and property owner are requesting Plan Commission approval to use the parking lot located adjacent to the Come Back In, Essen Haus, and Up North Pub restaurant-taverns/taverns for a variety of seasonal uses. The request includes previously approved sand volleyball during the summer months and six special events spread throughout the year, as well as live music on three evenings a week. The applicant would like to commence the outdoor uses as soon as all as regulatory approvals have been granted.

**Note:** The proposed PD(SIP) alteration is unrelated to ongoing discussions to redevelop most of the subject site with a mixed-use development, which has been the subject of informational presentations at the Landmarks Commission and Urban Design Commission, as well as two community meetings. As of the writing of this report, no formal land use-, urban design-, or landmarks-related applications have been submitted for review.

**Applicable Regulations & Standards:** Section 28.098(6) states that alterations to Planned Developments may be approved by the Plan Commission if the requested alterations are consistent with the concept approved by the Common Council using the review standards in Section 28.098(2).

**Review Required By:** Plan Commission. Any exterior alterations related to the outdoor uses may be reviewed by the Secretary of the Urban Design Commission prior to issuance of permits.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the proposed alteration to allow outdoor recreation, weekly outdoor events, and special seasonal events in the parking lot for the adjacent restaurant-taverns at 506-518 E Wilson Street and 134-148 S Blair Street is consistent with the Specific Implementation Plan approved by the Common Council and the Planned Development standards and **approve** the request, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 7 of this report.

## Background Information

**Parcel Location:** Approximately 2.4 acres generally located at the northwestern corner of E Wilson Street and S Blair Street, Ald. Dist. 6 (Rummel); Madison Metropolitan School District. Portions of the subject site are split between the First Settlement Historic District and the Third Lake Ridge Historic District.

**Existing Conditions and Land Use:** The area of the proposed alteration is the large surface parking lot that extends northerly from the rear of the buildings housing the Come Back In at 508 E Wilson Street, the Essen Haus at 514 E Wilson Street, and Up North Pub at 148-150 S Blair Street. The parking area is primarily accessed from S Blair Street. The applicant and owner also owns the Hotel Ruby Marie, which occupies the Wilson-Blair corner and is zoned UMX (Urban Mixed-Use District).

### Surrounding Land Uses and Zoning:

**North:** Residential development ranging from single and two-family homes to larger structures including the Franklin Street Condominiums, zoned DR1 (Downtown Residential 1 District) and PD;

**South:** E Wilson Street and its intersection with John Nolen Drive and Williamson Street, beyond;

**East:** Madison Gas and Electric offices, zoned TE (Traditional Employment District); and

**West:** The Germania Condominiums, zoned PD, and a variety of residential uses on S Franklin Street, zoned DR1.

**Adopted Land Use Plans:** The 2012 Downtown Plan recommends the E Wilson Street frontage of the subject site for Downtown Core Mixed-Use and identifies the remainder of the site for predominantly residential uses. The parking lot is identified on the Parcel Analysis map on page 25 as a site for potential redevelopment or infill development. The site is located in the First Settlement neighborhood/district, and most of the site is recommended for development with up to six stories, except the western edge of the parking lot, which is limited to three stories.

**Zoning Summary:** The site is zoned PD. The SIP alteration will be reviewed in the following sections.

Other Critical Zoning Items	
Yes:	Urban Design (Planned Development), Barrier Free, Utility Easements
No:	Floodplain, Wellhead Protection, Landmarks, Waterfront Development, Adjacent to Park
<i>Prepared by: Planning and Zoning staff</i>	

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services, including seven-day Metro Transit service on E Wilson Street.

## Previous Approvals

On February 2, 1994, the Common Council approved a request to rezone 506-518 E Wilson Street, 125-145 S Franklin Street, and 134-148 S Blair Street from R5 (General Residence District) and C2 (General Commercial District) to Planned Unit Development, General Development Plan (PUD-GDP) [1966 Zoning Code] to allow future construction of 11 townhouses on the east side of S Franklin Street, a three-story, 54-unit apartment building to

be located above a partially exposed three-level parking structure on S Blair Street, and a five-story mixed-use building on E Wilson Street with ground floor restaurant-taverns and upper floor apartments.

On February 6, 1996, the Common Council approved a request to rezone 506-518 E Wilson Street, 125-145 S Franklin Street, and 134-148 S Blair Street from PUD-GDP to Planned Unit Development, Specific Implementation Plan (PUD-SIP) [1966 Zoning Code] to allow construction of 11 townhouses on the east side of S Franklin Street, construction of 30 apartments on three floors above the existing two-story restaurant-tavern building on E Wilson Street, and improvements to the shared surface parking lot located along S Blair Street, which was approved with 136 total stalls for the various residential and food and beverage uses within the PUD. The zoning text for the PUD-SIP included an allowance for up to six outdoor events or festivals “some of which coincide with traditional local sports celebrations.” [Note: Of the two residential projects approved with this Specific Implementation Plan, only the 11 townhouses were built, which became the Germania Condominiums.]

On April 22, 2013, the Plan Commission approved a PD(SIP) alteration for the restaurant-tavern at 514 E Wilson Street to add “Seasonal Outdoor Volleyball as shown on approved plans” as a conditional use to the zoning text for the project to allow sand volleyball in a portion of the parking lot. The approval was granted with a one-year trial period ending on September 8, 2013 and requiring re-approval by the Plan Commission before it could continue the following year.

On March 24, 2014, the Plan Commission approved a conditional use and PD(SIP) alteration to allow re-approval of outdoor recreation (sand volleyball) for the restaurant-tavern at 514 E Wilson Street. The 2014 approval, which is still in effect, allows sand volleyball in the parking lot from the first week of May to the first week of September. On Mondays–Fridays, volleyball is allowed from 5:30 to 10:30 PM, and on Saturdays and Sundays from 12:00 to 9:00 PM. The approval includes a prohibition on outdoor amplified sound “or similar sound-producing devices”.

On May 22, 2023, the Plan Commission approved an alteration to an approved PD-SIP to allow outdoor recreation, weekly outdoor events, and special seasonal events in the parking lot for the adjacent restaurant-taverns at 506-518 E Wilson Street and 134-148 S Blair Street subject to conditions, which included:

- That the sand volleyball/ outdoor recreation, weekly outdoor live music/performance events (Sunday and Monday only), and seasonal events (see below) in the parking lot for the restaurant-taverns at 506-518 E Wilson Street and 134-148 S Blair Street are hereby approved for calendar year 2023 only. Any future use of the parking lot for any of these uses after December 31, 2023 shall require approval by the Plan Commission following submittal of a new alteration request and noticing of a new public hearing.
- That this approval for seasonal outdoor events shall only apply to the Oktoberfest, Maifest, Bratfest, and Sangerfest events, and the event associated with the Great Taste of the Midwest Beer Festival in August, as stated and defined in the letter of intent. No undefined/ unspecified seasonal outdoor events shall be allowed. The addition of other seasonal events shall require Plan Commission approval following a noticed public hearing.
- The Plan Commission approved the following uses of the parking lot on May 22, 2023:
  - Seasonal outdoor events (as approved in the preceding condition), which shall not start before 11:00 AM and shall end by 9:00 PM.
  - Outdoor live music/performance events on Sunday and Monday only; these events shall not start before 4:00 PM, and shall end by 9:00 PM.

- Sand volleyball/outdoor recreation shall only be allowed between 5:30-10:30 PM on Monday–Friday and from 12:00-9:00 PM on Sunday. The Plan Commission approved sand volleyball/ outdoor recreation until 10:30 PM for 2023 only.

All of the proposed events and service in the outdoor area shall not start before the listed start time and shall end and the area cleared of attendees and outdoor amplified sound and use of sound-producing devices stopped by the end time enumerated above.

- When not associated with an approved outdoor live music/performance event or approved seasonal outdoor event, no outdoor amplified sound or similar sound-producing devices shall be allowed in the parking lot. (For example, no outdoor amplified sound or similar sound-producing devices shall be allowed for sand volleyball on Sunday at 2:00 PM or Tuesday at 7:15 PM.)
- The use of the parking lot for the outdoor events in this alteration shall not occur until the applicant has met the conditions of approval outlined herein and signed the letter of approval, after which time all previous approvals for events in the parking lot shall cease.
- All outdoor live music/performance events on the site are approved from May 15 to September 15 only. [This restriction does not apply to the seasonal outdoor events in second bullet above, which may occur before May 15 and after September 15.]
- Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Division.

More information on the 2023 PD(SIP) alteration request may be found at this link: ID [77018](#). Following the May 22, 2023 Plan Commission approval, the applicant chose not to sign the approval letter as stipulated above, and did not complete the final approval and verification of conditions step in the approval process to allow the outdoor area to be used as allowed by that approval. As such, the applicant generally operated in 2023 under the 1996 six outdoor event or festival and 2014 sand volleyball approvals.

## Project Description

The applicant is requesting Plan Commission approval of an alteration to the approved Specific Implementation Plan for 506-518 E Wilson Street and 134-148 S Blair Street to allow the parking lot located adjacent to the Come Back In, Essen Haus, and Up North Pub restaurant-taverns/ taverns to be used for a variety of seasonal outdoor uses. The intent of the proposed alteration is to consolidate the outdoor uses of the parking under one set of rules and plans and is similar to the request approved by the Plan Commission in May 2023 (see preceding section).

The proposed alteration includes three elements, including two that have been previously approved in some form or another:

- The applicant generally received approval in 1996 for up to six outdoor events or festivals “some of which coincide with traditional local sports celebrations.” The six outdoor events were included in the final zoning text approved with the Specific Implementation Plan for the 11 townhouse units that became the Germania Condominiums on S Franklin Street.

Under the proposed alteration, the applicant proposes to identify what two of the six events are and when they will occur: Maifest, a weekend in May, and a one-day Oktoberfest in September. However, the date and duration of the remaining four events is to be determined. The 2024 letter of intent suggests that the four events could include wedding rehearsals and receptions, family reunions, birthday parties, or events

tied to a sporting event. The letter of intent indicates that “(n)ighbors will be notified 30 days in advance of the scheduled (6) events” but does not specify how that notification will occur.

The six events would run from 11:00 AM to 9:00 PM. For these six events, a “weekend” would begin on Friday and end on Sunday, except for Memorial Day weekend, which would end on Monday, and “Great Taste of the Midwest Beer Festival” weekend, which may begin on Thursday but end on Sunday (though no event is specifically enumerated in the 2024 letter of intent for that festival, which occurs at Olin Park). Refer to the ‘Event Plan Layout’ for the use of the parking lot during the six events, which includes a performance area and where outdoor seating would occur under this scenario.

- The applicant is requesting approval to introduce music and live performance on a stage in the parking lot on Sunday, Monday, and Tuesday from 4:00-9:00 PM from March 15 to November 1. Two “performance spaces” are shown on the ‘Seasonal Layout’ plan included with the application materials. The letter of intent indicates that each establishment (Up North, Essen Haus, and Come Back In) would host one performance a week.
- The sand volleyball last approved in 2014 would be incorporated into this approval. The letter of intent dated May 5, 2023 indicates that the volleyball would occur on from 5:30-10:00 PM Monday–Friday from 12:00-9:00 PM on Sunday. The sand volleyball/ outdoor recreation could occur during the other events above. Refer to the ‘Seasonal Layout’ plan for the site layout during the outdoor recreation events.

In anticipation of the consideration of this request, a Class 2 notice was published in the Wisconsin State Journal, and postcards noting the date, time, and location of that meeting were sent to the owners and occupants of all properties within 200 feet of the subject site.

## Analysis & Conclusion

Alterations to approved Specific Implementation Plans can be approved by the Plan Commission if it determines that the specific request is consistent with the Planned Development approved by the Common Council and that the standards for PD approvals are met.

In this case, the applicant is once again requesting to centralize approvals for two existing outdoor uses of the parking lot located on S Blair Street behind the Come Back In, Essen Haus, and Up North Pub in the 500-block of E Wilson Street while seeking to hold live music/performance events in their parking lot three nights a week. If the Plan Commission does not approve the alteration as submitted, the applicant **would not** be able to legally hold the live music/performance events in their parking lot for the three nights requested each week but **would** be able to continue having sand volleyball pursuant to the approvals last granted for that use in 2014, and **would** be able to have up to six events in the parking lot as generally allowed since 1996. Failure to approve the current alteration request would not extinguish the 1996 and 2014 approvals.

In considering the 2024 request, staff continues to believe that the Plan Commission may establish conditions to govern the proposed outdoor uses like it has in the past, including for the sand volleyball approvals in 2013 and 2014 and the 2023 outdoor uses proposal. Similar to our position in 2023, staff is supportive of the applicant bringing more shape to the six previously undefined and unregulated outdoor events granted in 1996 by identifying when they would occur and how they might be managed, which staff feels is benefit to the public given the relative uncertainty that exists about them now. The incorporation of the outdoor recreation approval under the “umbrella” of this centralized approval is also beneficial from an enforcement and transparency perspective.

However, the potential impacts on surrounding properties resulting from the introduction of live music in the parking lot three nights of the week until 9:00 PM also bears consideration by the Plan Commission as it determines whether to approve the alteration request. Staff is also concerned that there is less certainty for what the six outdoor events are and when they will occur with the current request compared to the proposal last year, and staff feels that there is not enough information on how notice will be provided for when four of the six requests will occur.

Consistent with its recommendation regarding the outdoor use request reviewed in 2023, staff believes that a measured approach should be taken by the Plan Commission should it wish to approve the alteration request. Like it did with the 2023 requests, staff believes that a one-year trial is appropriate to allow the outdoor uses for calendar year 2024 only, and that any future use of the parking lot beyond December 31, 2024 should require Plan Commission approval following submittal of a new alteration request, which would be considered by the Commission following a duly noticed public hearing. While the one-year trial was proposed and approved last year, the applicant chose not to abide by the 2023 conditions of approval. Therefore, staff feels that the one-year trial basis should be approved once more so that any negative impacts of the outdoor uses can be assessed before the Plan Commission grants a longer or more unlimited approval period.

In addition to allowing the expanded outdoor uses under conditions for one year on a trial basis to see if the additional programming of the parking lot can occur harmoniously with surrounding property owners and residents, staff continues to believe that the limited term of the approval might discourage the applicant from perpetuating the use and maintenance of the rare large surface parking lot present in the central/downtown area in favor of a redevelopment of that portion of the subject site in a manner consistent with adopted plans. Staff would submit that incorporation of outdoor uses in the subject parking lot was originally granted as part of the PD-SIP approval for a larger-scale mixed-use development, only a modest portion of which was implemented, while the outdoor uses have continued for nearly 30 years.

In addition to limiting this approval for one year, staff also recommends that the outdoor events be limited to the **two** known events outlined in the 2024 letter of intent. While acknowledging that the applicant can have up to six now without defining what those events are, one of staff's goals in incorporating the 1996 events into this alteration is to provide more shape to what those events are and when they will occur, to which the now four undefined events are contradictory. If the applicant can specify annual events they wish to add to the approvals for the site in the future, those additional events could be considered as part of a subsequent alteration request. At a minimum, the Plan Commission should have more information on how notice for the unspecified events will be given so that the parties that may be impacted by them can have as much notice as possible.

The Plan Commission should also once again consider the number of evenings when live music events in the parking lot should be held. The applicant is requesting to hold live music events from 4:00–9:00 PM on Sunday, Monday, and Tuesday (the third day was previously Thursday, but only Sunday and Monday were approved by the Plan Commission in 2023). The Plan Commission, however, may determine that fewer days and/or a different time period are appropriate during the proposed one-year trial. The applicant may request to add additional days or different hours for the music with subsequent alteration requests in future years.

**As a starting point for a potential approval of the PD(SIP) alteration for outdoor events in the subject parking lot in 2024, the conditions of approval recommended by the Planning Division in the following section generally follow those approved by the Plan Commission on May 22, 2023.** The proposed conditions, however, include the approval of only the two specific outdoor events outlined in the letter of intent and require re-approval for 2025

and potentially beyond. The conditions proposed also include limits on the live music/performance events from May 15 to September 15 consistent with the limitations approved in 2023, which were proposed by the applicant during a neighborhood meeting in May 2023.

Similar to the stipulation in the 2023 approval, the applicant will be required to meet any conditions of approval imposed by the Plan Commission for this PD(SIP) alteration and sign the letter of approval prior to using the parking lot for the outdoor events in this alteration. Further, once the conditions of this 2024 PD(SIP) alteration have been met and the letter signed, all of the previous approvals for events in the parking lot from 1996 and 2014 shall cease.

## Recommendation

### Planning Division Recommendation (Contact Timothy M. Parks, (608) 261-9632)

The Planning Division recommends that the Plan Commission find the proposed alteration to allow outdoor recreation, weekly outdoor events, and special seasonal events in the parking lot for the adjacent restaurant-taverns at 506-518 E Wilson Street and 134-148 S Blair Street is consistent with the Specific Implementation Plan approved by the Common Council and the Planned Development standards and **approve** the request subject to input at the public hearing and the following conditions:

**Recommended Conditions of Approval:** Major/Non-Standard Conditions are Shaded

### Planning Division

1. That the sand volleyball/ outdoor recreation, weekly outdoor live music/performance events (Sunday and Monday only), and seasonal events (see below) in the parking lot for the restaurant-taverns at 506-518 E Wilson Street and 134-148 S Blair Street are hereby approved for calendar year 2024 only. Any future use of the parking lot for any of these uses after December 31, 2024 shall require approval by the Plan Commission following submittal of a new alteration request and noticing of a new public hearing.
2. That this approval for seasonal outdoor events shall only apply to the **Maifest** and **Oktoberfest** events as outlined in the 2024 letter of intent. **No undefined/unspecified seasonal outdoor events shall be allowed.** The addition of other seasonal events shall require Plan Commission approval following a noticed public hearing.
3. All of the proposed events and service in the outdoor area in this condition shall not start before the listed start time and shall end and the area cleared of attendees and outdoor amplified sound and use of sound-producing devices stopped by the end time enumerated below. The approval for 2024 shall apply to the following:
  - Seasonal outdoor events (as approved in the preceding condition), which shall not start before 11:00 AM and shall end by 9:00 PM.
  - Outdoor live music/performance events on Sunday and Monday only; these events shall not start before 4:00 PM, and shall end by 9:00 PM.
  - Sand volleyball/outdoor recreation shall only be allowed between 5:30-10:00 PM on Monday–Friday and from 12:00-9:00 PM on Sunday.

4. When not associated with an approved outdoor live music/ performance event, outdoor recreation, or approved seasonal outdoor event, no outdoor amplified sound or similar sound-producing devices shall be allowed in the parking lot. (For example, no outdoor amplified sound or similar sound-producing devices shall be allowed for sand volleyball on Sunday at 2:00 PM or Tuesday at 7:15 PM.)
5. Meet applicable building/fire codes. The outdoor capacity shall be established. Occupancy is established by the Building Inspection Division.
6. All outdoor live music/performance events on the site are approved from May 15 to September 15 only. This restriction does not apply to the seasonal outdoor events in condition #2, which may occur before May 15 and after September 15.
7. **The use of the parking lot for the outdoor events in this alteration shall not occur until the applicant has met the conditions of approval outlined herein and the letter of approval has been signed, after which time all previous approvals for events in the parking lot shall cease.**

8. Note: Separate approvals shall be obtained from the Alcohol License Review Committee and Common Council for the entertainment and liquor licenses needed to govern the use of the parking lot for the uses and events outlined in this request. Nothing in this zoning approval shall be construed as approval of the required entertainment and liquor licenses.
9. Note: Approval of any exterior alterations related to the proposed outdoor uses not previously approved by the Urban Design Commission shall be approved by the Urban Design Commission or its secretary prior to issuance of building permits.

**The following conditions have been submitted by reviewing agencies:**

**City Engineering Division** (Contact Brenda Stanley, (608) 261-9127)

This agency has reviewed the request and recommended no conditions of approval.

**City Engineering Division–Mapping Section** (Contact Jeff Quamme, (608) 266-4097)

This agency has reviewed the request and recommended no conditions of approval.

**Traffic Engineering Division** (Contact Sean Malloy, (608) 266-5987)

This agency has reviewed the request and recommended no conditions of approval.

**Zoning Administrator** (Contact Jacob Moskowitz, (608) 266-4450)

This agency has reviewed the request and recommended no conditions of approval.

**Fire Department** (Contact Matt Hamilton, (608) 266-4457)

10. No tents or temporary structures may be erected closer than 20 feet to the building.



**Water Utility** (Contact Jeff Belshaw, (608) 261-9835)

This agency reviewed the request and has recommended no conditions of approval.

**Parks Division** (Contact Kathleen Kane, (608) 261-9671)

This agency has reviewed the request and recommended no conditions of approval.

**Metro Transit** (Contact Tim Sobota, (608) 261-4289)

This agency reviewed the request and has recommended no conditions of approval.

**Forestry Section** (Contact Bradley Hofmann, (608) 267-4908)

This agency has reviewed the request and recommended no conditions of approval.

**Parking Division** (Contact Trent W. Schultz, (608) 246-5806)

This agency has reviewed the project and determined a Transportation Demand Management (TDM) Plan is not required.