



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 506-518 E Wilson Street and 132-150 S Blair Street  
**Application Type:** Conditional Use  
**Legistar File ID #** [86417](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted

**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 a conditional use in the Urban Mixed-Use (UMX) District for restaurant-nightclubs; consideration of a conditional use for an outdoor eating area open after 9:00 PM for restaurant-nightclubs; consideration of a conditional use in the UMX district for an outdoor eating area for restaurant-nightclubs with amplified sound; and consideration of a conditional use in the UMX district for outdoor recreation, all to allow an outdoor eating area to be shared by two adjacent restaurant-nightclubs to operate after 9:00 PM with outdoor musical performance, six temporary outdoor events in the parking lot, and outdoor recreation (sand volleyball) at 506-518 E Wilson Street and 132-150 S Blair Street.

**Proposal Summary:** The applicant and property owner are requesting approval of conditional uses in UMX zoning for the existing Come Back In and Essen Haus restaurant-nightclubs, to approve an existing outdoor eating area used by the Come Back In and Essen Haus, and for the parking lot adjacent to the Come Back In, Essen Haus and Up North Pub restaurant-nightclubs/taverns to be used 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.

**Applicable Regulations & Standards:** Table 28E-2 in Section 28.072(1) of the Zoning Code identifies restaurant-nightclubs, outdoor recreation, and outdoor eating areas associated with food and beverage establishments as conditional use in the UMX (Urban Mixed-Use) zoning district subject to Supplementary Regulations in Section 28.151. Section 28.183 provides the process and standards for the approval of conditional use permits.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the standards met and **approve** conditional uses for 506-518 E Wilson Street and 132-150 S Blair Street to allow two restaurant-nightclubs, an outdoor eating area open after 9:00 PM and with amplified sound to serve three restaurant-nightclubs, and a conditional use for outdoor recreation, all subject to input at the public hearing and the conditions from reviewing agencies beginning on **page 9** 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, Alder District 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 subject site is comprised of eight parcels zoned PD containing a total of six buildings:

- 506 E Wilson Street is developed with a two-story, 6,352-square-foot mixed-use building constructed in 1875, which contains a restaurant-nightclub on the first floor and four apartments (per City records);
- 510 E Wilson Street is developed with a two-story, 4,138 square-foot commercial building constructed in 1875, with multiple additions built through 1956 according to City records;
- 514 E Wilson Street is developed with a two-story, 3,042 square-foot commercial building constructed in 1909;
- 516 E Wilson Street is developed with a two-story, 2,633 square-foot commercial building built in 1909;
- 518 E Wilson Street is developed with a two-story mixed-use building constructed in 1890, which contains 1,452 square feet of commercial space on the first floor and two apartments above;
- 150 S Blair Street (also 522 E Wilson Street) is the three-story, 15-room Hotel Ruby Marie, which also includes a café and the Up North Pub on its ground floor; and
- 132, 140, and 148 S Blair Street total 44,471 square feet (1.02 acres) of land developed as surface parking lot primarily used by the restaurant-nightclubs on E Wilson Street and hotel.

### 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 and Wisconsin and Southern Railroad right of way;

**East:** Madison Gas and Electric offices across S Blair Street, 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.

The 2023 [Comprehensive Plan](#) recommends the E Wilson Street frontage for Downtown Core (DC), with Medium Residential (MR) recommended for the portion of the remaining site to be developed up to six stories in height. The portion of the site recommended for development up to three stories is recommended for Low-Medium Residential (LMR).

**Zoning Summary:** The requests will be developed in the UMX (Urban Mixed-Use) District.

Other Critical Zoning Items	
Yes:	Landmarks (Third Lake Ridge, First Settlement Districts), Urban Design (UMX zoning), Barrier Free, Utility Easements, Wellhead Protection (WP-17)
No:	Floodplain, Waterfront Development, Adjacent to Park, Transit-Oriented Development
<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. Metro Transit would initially estimate the following counts of potentially eligible trips towards US Green Building Council/LEED Quality Access to Transit points: 220 Weekday and 130 Weekend (average). Please contact Metro Transit if additional analysis would be of interest.

## 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 re-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 allowed sand volleyball in the parking lot from the first week of May to the first week of September. On Mondays–Fridays, volleyball was approved 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. 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.

On January 22, 2024, the Plan Commission approved 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. More information on the 2023 PD(SIP) alteration request may be found at this link: ID [81267](#). This approval was only good for calendar year 2024, and any future use of the parking lot for any of these uses after December 31, 2024 required approval by the Plan Commission. The applicant met the conditions of approval and operated under the 2024 conditions insofar as staff is aware.

On June 18, 2024, the Common Council **approved a request to rezone 506-518 E Wilson Street and 134-148 S Blair Street from PD (Planned Development District) to UMX (Urban Mixed-Use District)** and approved a Certified Survey Map (CSM) to create two lots for the proposed mixed-use development. On June 10, 2024, the Plan Commission approved a demolition permit to demolish five commercial buildings located at 506-518 E Wilson Street and approved conditional uses in UMX zoning to allow construction of a six-story, 100-room hotel on E Wilson Street and eight-story, 178-unit apartment building and structured parking on S Blair Street. Final approvals of the demolition permit, conditional uses, and CSM for the June 2024-approved redevelopment project are pending. As with any zoning map amendment, however, the zoning of the property changes once a rezoning ordinance is approved by the Common Council and published in the City’s paper of record (the Wisconsin State Journal) and without regard for whether any other elements of the land use approval requested are implemented.

## Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for a Restaurant-Nightclub:

- (a) Maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats, as shown on the floor plan consistent with approved capacity.
- (b) Must serve food at all hours it is open.
- (c) Shall hold entertainment license under MGO Section 38.06(11).
- (d) Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

The following supplemental regulations apply to Outdoor Eating Areas Associated with Food and Beverage Establishments, which are defined as “an extension of a premise outside an enclosed building which is open to the public, where food and beverages are served and consumed”:

- (a) Primary access to the area shall be from within the establishment.

- (b) Hours of operation shall end at 9:00 p.m. in all districts except for MXC, CC and RMX, unless extended as part of the conditional use approval.
- (c) No amplified sound is permitted in all districts except MXC, CC and RMX, unless allowed as part of the conditional use approval.
- (d) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

The following supplemental regulations apply to Outdoor Recreation:

- (a) A minimum 25-foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
- (b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.
- (c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

## **Project Description**

The applicant and property owner are requesting approval of a series of conditional uses in the UMX zoning district associated with the Come Back In, Essen Haus, and Up North restaurant-nightclubs located on land addressed as 506-518 E Wilson Street and 132-150 S Blair Street.

The subject site includes six buildings that generally front onto E Wilson Street and a large parking area located behind, which is accessed by two driveways from S Blair Street. The Come Back In, Essen Haus, and parking lot were previously governed by a PD zoning document that regulated the outdoor uses for those businesses. However, that portion of the owner's properties was rezoned to the UMX district in June 2024 in anticipation of a redevelopment project. [150 S Blair Street was not part of the PD and has long been zoned UMX.] The rezoning from PD to UMX effectively nullified the zoning approvals that previously regulated those parcels. Implementation of the approved redevelopment is pending, so the applicant is requesting conditional use approvals for the Come Back In, Essen Haus, and parking lot at least until the final zoning approvals and building permits are issued for the approved project, at which time those businesses, the buildings housing them, and the parking lot will be demolished. The Hotel Ruby Marie and Up North are not part of the redevelopment and will remain once the redevelopment proceeds.

The proposed conditional uses include:

- Conditional uses for the Come Back In and Essen Haus restaurant-nightclubs, which were permitted uses in the former PD zoning but which require conditional use approval in the UMX district.

- Approval of a shared outdoor eating area extending along the rear of the two restaurant-nightclubs, which extends into the parking area. The Come Back In and Essen Haus have long had outdoor eating, which was codified by the PD(SIP) alteration approvals granted by the Plan Commission in 2023 and 2024. However, the outdoor uses governed by the 2024 PD(SIP) approvals expired on December 31, 2024 per a January 22, 2024 condition of approval and the property has since been rezoned to UMX zoning, which requires that conditional use approvals be granted for the outdoor eating area in the new zoning district.
- Approval for music on a stage in the parking lot on Sunday, Monday, and Thursday from 4:00-9:00 PM from March 15 to November 1. The outdoor music would be common among the three establishments, all of which have entertainment licenses per Section 38.06. Amplified sound in an outdoor eating area requires Plan Commission approval as a conditional use.
- Approval for sand volleyball to occur in the parking lot from 5:30-10:00 PM Monday–Friday and from 12:00-9:00 PM on Sunday. Per the letter of intent, the sand volleyball/ outdoor recreation may occur during the other events.
- Six outdoor events or festivals in the parking lot, as outlined in the letter of intent. The request specifies what and when four of the six events would be annually but suggests that the remaining one or two events (depending on year) 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 at the beginning of the summer 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.

Two plans have been provided for the various conditional uses requested. The ‘Seasonal Summer Layout’ plan includes 28 tables with seating for 112 persons, two performance spaces, and a volleyball court; the remainder of the parking lot would remain open under this configuration. The ‘Event Plan Layout’ for the use of the parking lot during the six events outlined in the letter of intent includes a performance area on the northerly half of the parking lot, the volleyball courts, parking for a refrigerated trailer, a food tent, and seating for 270 persons in addition to the seating for 112 provided on the other layout. Both plans show how the outdoor eating and recreation areas would be cordoned off from the rest of the parking lot. The six outdoor events or festivals would be subject to the Event Plan Layout, while the Seasonal Summer Layout would guide the daily outdoor eating and live music events. The sand volleyball outdoor recreation use would occur as noted on both plans and in the letter of intent.

## **Analysis & Conclusion**

The Zoning Code identifies restaurant-nightclubs, outdoor recreation, and outdoor eating areas associated with food and beverage establishments as conditional use in the UMX (Urban Mixed-Use) zoning district subject to Supplementary Regulations in Section 28.151, which may be found on pages 4 and 5 of this report. While the applicant is essentially putting forward the same set of uses for the parking lot and space located along the rear wall of their buildings as have been presented to the Plan Commission in the preceding two years, the approval of these uses is now subject to the respective supplemental regulations and the standards of approval and process for conditional uses consistent with how those uses would be regulated by the Zoning Code in any conventional zoning district elsewhere across the City.

Staff does not object to the approval of the conditional use for the Come Back In and Essen Haus, which is required because of the recent rezoning of the site from PD to UMX. While both restaurant-nightclubs could continue as nonconforming uses as a result of being established prior to the zoning map amendment, the conditional use request for the outdoor eating area could not be considered without conforming zoning in place for the principal food and beverage establishments. Staff has no information to suggest that the continued indoor operation of the two restaurant-nightclubs would not meet the conditional use standards.

Likewise, staff feels that the conditional use standards can be met to approve the requests for an outdoor eating area to serve the three adjacent establishments and for outdoor recreation in UMX zoning subject to conditions similar to how the outdoor eating area and outdoor recreation uses were governed under the former PD zoning. Section 28.183(6)(b) of the Zoning Code states that “before granting a conditional use, the Plan Commission may stipulate conditions and restrictions on the establishment, location, construction, maintenance and operation of [a] conditional use. In doing so, the Plan Commission may consider overdue taxes and/or fees and the applicant's history of compliance with relevant ordinances and approvals, including but not limited to, building and Minimum Housing Code, Zoning Code and zoning approvals, and alcohol license provisions and approvals.”

During its review of the PD(SIP) alterations in 2023 and 2024, the Plan Commission approved fewer outdoor events/festivals than requested due to concerns about uncertainty surrounding some of those events (the timing when the unspecified events would occur and the noticing of neighboring properties), and limited the number of nights that the applicant could have live music to two compared to the three nights requested by the applicant. Staff feels that a similar measured approach may be appropriate when considering these uses as conditional uses to ensure that the establishment, maintenance or operation of the conditional uses will not be detrimental to or endanger the public health, safety, or general welfare, and that the uses, values, and enjoyment and normal and orderly development of surrounding properties are not adversely impacted consistent with the conditional use standards.

Like it did with the requests in 2023 and 2024, the Plan Commission may consider limiting the initial term of an approval for the outdoor eating area conditional use to allow any negative impacts of the outdoor uses to be assessed by the Plan Commission before it grants a longer or more unlimited approval period. Staff will note that while the applicant did not finalize their May 2023 PD(SIP) alteration approval to allow those conditions to be tested during that outdoor use season, they did finalize their January 2024 PD(SIP) alteration approval, and the outdoor uses operated under the last approved conditions until the recent expiration of that approval on December 31. As with any conditional use, the Plan Commission will retain continuing jurisdiction over any conditional uses approved here in the event that complaints are received about the outdoor eating area and outdoor recreation, which could result in more restrictive conditions being applied if deemed necessary following an investigation and public hearing. Staff is unaware of any concerns with the operation of the outdoor eating and outdoor recreation uses in the recent term and will note that the establishment of these uses as conditional uses in conventional UMX zoning provides a stronger regulatory environment through the enforcement of the supplemental regulations and the conditional use process than the requested uses had when the site was subject to PD zoning, where continuing jurisdiction was not available. [A condition to limit the conditional use approval to one year is included in the conditions in the ‘Recommendations’ section of this report, which the Plan Commission may modify or remove if it feels that an initial approval period is unnecessary or the proposed condition too burdensome (versus needing to create such a condition during the meeting were the Commission so inclined).]

Consistent with the previous approvals, staff also recommends that the number of evenings when live music occurs in the parking lot be limited – at least initially. The applicant is requesting to hold live music events from

4:00–9:00 PM on Sunday, Monday, and Thursday, but only Sunday and Monday were approved by the Plan Commission in 2023 and 2024. Staff believes that a similar measured approach may be appropriate when considering the conditional use for amplified sound and will note that the number of nights live music is allowed could be expanded in the future through the conditional use alteration process.

Staff also recommends that the Plan Commission establish hours of operation for the outdoor recreation similar to the ones approved in 2024 and well as establish hours for the outdoor eating area fully within the zoning approval. The Plan Commission’s approval for sand volleyball/outdoor recreation in 2024 limited that use to 5:30-9:00 PM Monday–Friday and from 12:00-9:00 PM on Sunday compared to the applicant’s request for weeknight hours for the volleyball until 10:30 PM. Given the proximity of residential uses to the site, staff feels that 9:00 PM is an appropriate ending time for the outdoor recreation absent a compelling reason why a later hour should be approved.

Also, while the applicant proposes to end the live music events and outdoor events/festivals at 9:00 PM, no such limitations on the service of food and beverage within the rest of the outdoor eating area was included in the most recent approvals granted by the Plan Commission. However, the Common Council approved a 12:00 AM midnight closing time for outdoor dining with its most recent approvals for the entertainment licenses for the restaurant-nightclubs in May 2024, which staff feels at a minimum should also be enshrined in the conditional use approvals for the 112-seat outdoor eating area outlined in the Seasonal Summer Layout Plan (the outdoor events/festivals would end at 9:00 PM as indicated).

Finally, the capacity of the outdoor eating area should be stated on the final plans and should be synchronized between the zoning and entertainment/alcohol licensing approvals for the establishments under MGO Chapter 38 regarding the regulation of alcohol beverages. The last approvals for the three establishments (Come Back Inn, Essen Haus, and Up North) approved by the Common Council following review by the Alcohol License Review Committee established a maximum outdoor capacity of 150 for the Essen Haus, with no (0) outdoor capacity for the Come Back In or Up North. However, the six outdoor events/festivals would have a seated capacity of 382 and the potential for greater capacity if standing guests are allowed. Maximum occupancy /capacity for outdoor eating areas is established by the Building Inspection Division; the maximum occupancy of the outdoor eating area shall be determined by Building Inspection, the approved number(s) stated on the final plans, and that number and the number allowed under the establishment’s entertainment/alcohol licenses rectified prior to final approval of the conditional use requests.

## **Recommendation**

### Planning Division Recommendation

The Planning Division recommends that the Plan Commission find the standards met and **approve** conditional uses for 506-518 E Wilson Street and 132-150 S Blair Street to allow two restaurant-nightclubs, an outdoor eating area open after 9:00 PM and with amplified sound to serve three restaurant-nightclubs, and a conditional use for outdoor recreation, all subject to input at the public hearing and the following conditions:



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

**Planning Division** (Contact Timothy M. Parks, (608) 261-9632) and **Zoning Administrator** (Contact Jacob Moskowitz, (608) 266-4450)

1. That the conditional uses for outdoor recreation (sand volleyball) and an outdoor eating area for the restaurant-nightclubs at 506-518 E Wilson Street and 150 S Blair Street are hereby approved for calendar year 2025 only and shall expire at 11:59 PM on December 31, 2025 after which time new approvals by the Plan Commission shall be required.
2. All of the events and services governed by this approval 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 as follows:
  - Outdoor events/festivals, which shall not start before 11:00 AM and shall end by 9:00 PM.
  - Outdoor live music/performance events on two nights only (as determined by the Plan Commission); these events shall not start before 4:00 PM, and shall end by 9:00 PM.
  - Outdoor recreation shall only be allowed between 5:30-9:00 PM on Monday–Friday and from 12:00-9:00 PM on Sunday.
  - All other food and beverage service in the Summer Seasonal Layout Plan may commence at 10:30 AM Monday–Friday and at 9:00 AM on Saturday, Sundays, and on City holidays; all service in the outdoor eating area shall end by 12:00 AM midnight seven days a week. No amplified sound shall be allowed in the outdoor eating area after 9:00 PM seven days a week.
  - In the future, the Director of the Planning Division may consider a minor alteration to the conditional uses to further modify the hours of operation for the outdoor eating and recreation area following a recommendation by the district alder.
3. When not associated with an approved outdoor live music/performance event, outdoor recreation, or outdoor events/festivals, 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.) No amplified sound of any kind (from radios, televisions, etc.) shall be allowed in the seated outdoor eating area adjacent to the Come Back In and Essen Haus after 9:00 PM seven days a week.
4. Doors to the establishments from the outdoor eating area shall not be propped open at all times to limit indoor noise from the establishments.
5. Outdoor events/festivals using the Event Plan Layout (Sheet C-1.1) are limited to the six (6) events listed in the letter of intent. At all other times, the standard Seasonal Summer Layout Plan shall be used. No additional outdoor events/festivals shall be allowed unless approved by the Plan Commission.
6. Only one performance space/stage allowed. For the Summer Seasonal Layout Plan (Sheet C-1.2), it shall be located between the Essen Haus and Hotel Ruby Marie/Up North Bar to provide greater distance between the stage and nearby residential properties.

7. The applicant shall clarify how notice will be given for the six (6) outdoor events/festivals. The means of communicating the nature and timing of those outdoor events/festivals shall be approved by the Planning Division in consultation with the district alder.
8. Meet applicable building/fire codes. The outdoor capacity shall be established prior to final approval and use of the outdoor areas. Occupancy is established by the Building Inspection Division.
9. 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. The applicant shall work with Zoning, Planning Division, and City Clerk's Office staff to ensure that any restrictions on the conditional uses (hours, events, capacity, etc.) are reflected in the licenses for the three restaurant-nightclubs per MGO Chapter 38. Nothing in this zoning approval shall be construed as approval of the required entertainment and liquor licenses.

10. 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 Jule Smith, (608) 264-9276)

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.

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

The agency reviewed this project and determined a Transportation Demand Management (TDM) Plan is not required.

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

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

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

This agency has reviewed the request and 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.