



## Office of the Common Council

### Ald. Sara Eskrich, District 13

City-County Building, Room 417  
210 Martin Luther King, Jr. Boulevard  
Madison, Wisconsin 53703-3345  
Phone (608) 266-4071  
Fax (608) 267-8669  
[district13@cityofmadison.com](mailto:district13@cityofmadison.com)  
[www.cityofmadison.com/council/district13](http://www.cityofmadison.com/council/district13)

To: Members of the Plan Commission  
From: Sara Eskrich, District 13 Alder  
RE: Conditional Use at 1602 Gilson Street  
Date: April 1, 2018

---

Thank you in advance for your thorough review of the conditional use proposal before you on Monday, April 2. The Bay Creek Planning and Economic Development Committee (BCNA P&ED) held meetings with the applicant and near neighbors, and I held a neighborhood meeting (noticed on the listserve) where we discussed the proposal and the feedback/negotiations that had already taken place with the applicant. Generally, neighbors seem to appreciate the current operations and amenities at the Funk Factory, but there are concerns about the conditional use proposal from those most proximate to the site. It is also important that the Plan Commission know there are neighbors who have reached-out to me, independently of the BCNA P&ED, to express their support of the Funk Factory request.

The staff report well-describes the standards for a conditional use and recommended conditions of approval to strike a compromise between the application and the requests from BCNA P&ED. I fully support the conditions of use proposed by staff, particularly conditions:

- 1. Limiting amplified sound to 4 days per year.
  - This was the original compromise position between the applicant and BCNA P&ED, and I believe it strikes an appropriate balance.
- 2. Not allowing amplified sound beyond the approved 4 days per year.
  - This mitigates near-neighbor concerns about levels of noise from the outdoor patios on a regular basis.
- 3. Limiting hours to close both outdoor patios at 9pm, except the 4 days of amplified sound where the back patio can be open until 10pm.
  - This mitigates near-neighbor concerns about late-night noise (conversation).
- 5 and 13. Fencing (6-8 foot) around rear patio and security (fencing) around both patios to secure outdoor seating from right-of-way.
  - These address near-neighbor request for privacy and sound-dampening fencing around the back patio and fencing around the front patio.
- 26. Outdoor fire pit must comply with city regulations for fire pits.
  - I further support the request from near-neighbors that the applicant install a gas fire pit, rather than wood-burning, but understand the staff and legal concerns that we not apply this as a condition of approval. I believe starting with gas would be a significant gesture of good-will to the near-neighbors.

I appreciate the work the applicant and the near-neighbors have done in negotiating an outdoor area that will serve the needs of a small local business and the residential neighborhood where it resides. I know both are not fully satisfied with the conditions of approval, and posit this means staff has struck the right

April 2, 2018

Page 2

balance in finding compromise between the two positions. Some neighbors have asked for this request to be referred to allow more time to find compromise, but it is my opinion that more time will not lead to a solution. I believe allowing this to proceed, subject to the significant conditions of approval, will allow the Funk Factory and the near-neighbors to experience a season of outdoor patio operations and hopefully find they can operate compatibly. I therefore request you **support** this conditional use, subject to the staff-developed conditions.