



Department of Planning & Development
Inspection Unit

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2984
Madison, Wisconsin 53701-2984
TDD 608 266 4747
FAX 608 266 6377
PH 608 266 4551

DATE: October 13, 2008
TO: Mark Olinger, Plan Commission Secretary
FROM: Matt Tucker, Zoning Administrator
SUBJECT: Outdoor Eating/Beer Garden Conditional Use, Stadium Sports Bar

The Plan Commission maintains continuing jurisdiction over conditional use permits. Per the City's Zoning Ordinance, when a written request is received by an aggrieved individual or city official, the Plan Commission shall review the request and determine if a reasonable probability exists that the property is in violation of one or more of the standards for approval of a Conditional Use, a condition of approval or other requirements imposed under the ordinance. Attached you will find a copy of Section 28.12(11)(h) 4., which describes the process to consider continuing jurisdiction of an approved Conditional Use.

City staff has been working with the owners and representatives of the subject property regarding Conditional Use violations for the outdoor eating area/Badger Home Football Saturdays outdoor eating and drinking area. Included with this letter you will find communication regarding violations of the approved Conditional Use, copies of police reports and official notices, and other correspondence related to this Conditional Use.

The owner and staff have met a few times in the past year, to discuss resolution to the violations. Staff and the owner have discussed several problems with the Conditional Use, including but not limited to:

- What constitutes a "special event" at Camp Randall Stadium,
- The observance of unapproved alterations to the site plan during certain events,
- Developing a common understanding in regard to the "Football Saturdays" activities as they differ from the daily outdoor eating/drinking space approval,
- The use and volume of outdoor amplified sound,
- Restrictions on the hours of operation for the football Saturdays use of the property.
- The fact that conditions applied to previous approvals have not all been met, including the construction of a decorative fence along Monroe Street that was a condition applied in 2004.

Staff has discussed the violations at the property and is of the opinion that this property is not operating in compliance with the approved Conditional Use. Staff recommends the Plan Commission find the complaint and subsequent inspections reflect a reasonable probability that the subject Conditional Use is operating in violation of the standards for approval of a Conditional use and conditions of approval, and schedule this item for a public hearing at a future scheduled Plan Commission meeting, to reconcile the conditions of approval for this Conditional Use.

Section 28.12(11)(h) 4., Continuing Jurisdiction of an approved Conditional Use

The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in Subdivision (g) above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Subsection (f) above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Subdivision (g) or conditions previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards 1 and 2 in Subdivision (g) will be met, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished the current owner of the conditional use in writing stating the reasons therefore. An appeal from a decision of the Plan Commission under this paragraph may be taken to the Common Council as provided by Subdivision (i) hereunder.



Department of Planning and Community and Economic Development
Neighborhood Preservation and Inspection Division

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August 28, 2008

Attorney Harvey L. Tempkin
Reinhard, Boerner, Van Duren S.C.
22 East Mifflin Street
P.O. Box 2018
Madison, WI 53701-2018

RE: Stadium Bar Outdoor Eating Area / Beer Garden

Attorney Tempkin,

Thank you for your correspondence from May 7th 2008. I have discussed your letter with Alder Robbie Webber, Asst. City Attorney Katherine Noonan, and Planning Director Brad Murphy, and we are of the common opinion that your representation of the approval for outdoor activities is not consistent with the approval from the City's Plan Commission. That said, we will be reviewing the facts associated with this conditional use with the Plan Commission, asking them to find that clarification of conditions needs to be formalized, and this conditional use be scheduled for a public hearing at an upcoming Plan Commission meeting under the Continuing Jurisdiction clause described in Sec. 28.12(11)(h) 4. of the Madison General Ordinances.

The procedure described above will not have any impact your clients planned outdoor events associated with UW Badger home football games this fall, but may impact the operations after the Plan Commission has met.

If you have any questions in regard to this letter or if you wish to discuss this matter further, please feel free to contact me at 608/266-4551.

Sincerely,

Matt Tucker, Zoning Administrator
Department of Planning and Community and Economic Development

c. Alder Robbie Webber
Katherine C. Noonan, Asst. City Attorney
Brad Murphy, Planning Division Director



May 7, 2008

Harvey L. Temkin
Direct Dial: 608-229-2210
hstemkin@reinhardt.com

SENT VIA E-MAIL AND
FIRST CLASS MAIL

Mr. Matthew Tucker, Zoning Administrator
City of Madison – Zoning Department
215 Martin Luther King Blvd., Room LL100
P.O. Box 2984
Madison, WI 53701-2984

Dear Matt:

Re: Stadium Bar Conditional Use

Thank you for meeting with me recently regarding zoning issues involving the Stadium Bar. Specifically, the issue revolves around the meaning of "special events" at Camp Randall. We believe that the term "special events" is sufficiently broad to include most, if not all, events which the public may attend at Camp Randall. The Zoning Department would like to more specifically define what constitutes "special events."

As a result of our meeting, and at your request, I asked my client to prepare a list of "special events" at which my client could have its beer garden open. The client listed the following events:

1. Home football games, whether University of Wisconsin, Green Bay Packers, or other "home team" games. Specifically, my client indicated that if there were to be an event like another professional football team playing an exhibition game at Camp Randall, they would also like to have the beer garden open for that event.
2. Up to two away University of Wisconsin football games per season.
3. Concerts, including any Drum and Bugle Corps events.
4. The Spring Football Game.

P.O. Box 2018, Madison, WI 53701-2018 • 22 East Mifflin Street, Madison, WI 53703
Telephone: 608-229-2200 • Facsimile: 608-229-2100 • Toll Free: 800-728-6239

Milwaukee, WI • Telephone: 414-298-1000 • Toll Free: 800-553-6215
Waukesha, WI • Telephone: 262-951-4500 • Toll Free: 800-928-5529
Rockford, IL • Telephone: 815-484-1900 • Toll Free: 800-840-5420

5. The Crazy Legs Race, or its equivalent.
6. WIAA Football Championships.

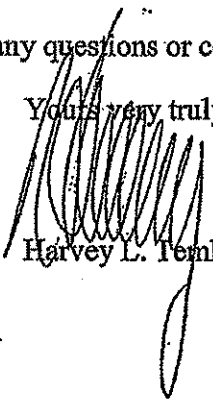
Volleyball and the outdoor eating area would continue as currently exists. I understand that when the beer garden is open, Zoning does not have a problem with there being a tent. I also understand that if events not contemplated by this letter come up in the future, we could apply for an alteration to our conditional use permit.

Please let me know if the proposal in this letter would resolve your concerns. By making this proposal, my client is not waiving any of its rights that we believe it has pursuant to our current conditional use permit, but we are offering this as a proposed resolution to maintain a positive relationship with the City moving forward.

Finally, by copy of this letter, I am asking for my client to prepare a Site Plan to scale to replace the one that we had earlier submitted, as you requested.

Please let me know if you have any questions or concerns.

Yours very truly,



Harvey L. Tenkin

REINHART\2309687HLT:KC

cc Katherine C. Noonan, Esq.
Mr. Brad Murphy
Mr. Daniel McCarty
Mr. Thomas Beach
Mr. Jim Luedtke

MADISON POLICE DEPARTMENT

Date of Report: 9/27/2006 Case No: 2006-111050 Original
Ref. No:
Occurred Incident: 97 - Information Sec/Area: 402 CENTRAL
Dispatched as: 97 - Information Grid: S CAMPUS

Case Offense: LIQUOR LAW VIOLATION
Addr of Occurrence: 1419 Monroe St (Stadium Bar)
Call Date/Time: 09/09/2006 20:13 From Date/Time:
Dispatch Date/Time: Thru Date/Time:
Reporting Officer: PO CARRIE K HEMMING 2627
Special Routing: CITY ATTORNEY JENNIFER ZILAVY

CONTACT JIM LUEDTKE
, C: 575-4357
EMPLOYER: OWNER OF STADIUM BAR

OFFICER NARRATIVE:

On 9/9/06 around 8:13 pm, I was on patrol for the Central CPT assigned to alcohol issues around the stadium for the Badger football game. Part of my duties was ensuring that the beer gardens attached to certain liquor licensed establishments were closed by their appropriate closing time of 8:00 pm. I did bike past the Stadium Bar located at 1419 Monroe Street and observed that their beer garden was not closed. It appeared that they had stopped serving alcohol; however, I counted approximately 150 people still inside the beer tent area, most of whom were consuming alcohol. The fenced in area was still in tact. The off-duty Dane County deputies did appear to be attempting to move people out of the beer garden or into the establishment; however, the establishment already appeared to be at capacity so people could not enter there. I did speak with the owner, Jim Luedtke, and informed him that they did need to be closed by 8:00 pm and that when I had arrived it was about 8:13, and then when I was talking with owner Luedtke it was approximately 8:20 to 8:25 pm. Luedtke told me that he understood that the beer garden was supposed to be closed at 8:00 pm; however, he said it was very difficult to get that many people out of his beer garden. Luedtke said something to the effect of "We had 4,000 people in here. We're the highest capacity beer garden. It's hard to get people out on time." I explained to Luedtke that even though he does have a large capacity, he needs to work on getting the people out by 8:00 pm as that is part of the rule.

End of Report/lmc

Supervisory Officer: _____ I.D.: _____

Reporting Officer: _____ I.D.: 2627
PO CARRIE K HEMMING

MADISON POLICE DEPARTMENT

Date of Report: 10/9/2007 Case No: 2007-119312 Original
Ref. No:
Occurred Incident: 28 - Liquor Law Violation Sec/Area: 402 CENTRAL
Dispatched as: 28 - Liquor Law Violation Grid: S CAMPUS

Case Offense: ARR PERSON - LIQUOR LAW VIOLATION
Addr of Occurrence: 1419 Monroe St
Call Date/Time: 10/03/2007 11:01 From Date/Time:
Dispatch Date/Time: 10/03/2007 11:01 Thru Date/Time:
Reporting Officer: PO CARRIE K HEMMING 2627
Special Routing: CAPT SCHAUF, LT. BALLE, TAVERN FILE, CA STEVE BRIST

On 9/29/09, I was on routine foot patrol for a downtown safety initiative after the UW football game and was in the area of Regent St and Randall at approximately 9:07p, when I noted that the Stadium Bar beer garden, which was supposed to close at 8p, still had approximately 200 to 250 patrons inside the beer garden area, and many of these individuals were still drinking alcohol. I could clearly see that patrons had beer bottles from which they were drinking. It did appear the outdoor service areas had been taken down and alcohol was no longer being served outside, but the alcohol was still being consumed outside the bar. I did observe two Dane County deputies walking around the perimeter of the crowd and appeared to be speaking with individuals and possibly asking them to move inside, however this was an hour after the beer garden was supposed to have been shut down.

The west windows of the Stadium Bar were all open and there was a live band playing. The live band could clearly be heard from the Regent Apartments, 1402 Regent St. PO Radke joined me in this area and we continued to observe the Stadium Bar. The western most gate by the porta-potties was not being manned by any employees or deputies and I did observe 3 adult's walk out of the beer garden, and each was holding a plastic cup containing beer. I did contact all 3 individuals and told them they would need to pour out their beer as they are not allowed to have open intoxicants outside of a beer garden and all 3 did comply.

PO Radke and I were dealing with other noise issues in the area, but were still able to maintain surveillance on the Stadium bar. I noted at 9:25p, when we left the area, there were still approximately 100 people inside the beer garden area, and many of these subjects were still drinking from beer bottles.

Supervisory Officer: _____ I.D.: _____

Reporting Officer: _____ I.D.: 2627
vo PO CARRIE K HEMMING

From: Inspection Unit
215 Martin Luther King, Jr. Blvd.
P.O. Box 2984
Madison, Wisconsin 53701-2984

City of Madison
OFFICIAL NOTICE

Notice: An inspection discloses that certain sections of the City Ordinances are being violated.

Property Located At:
1419 MONROE ST

OWNER:
MCJINGLES LLC
DANIEL J MCCARTY, REG AGT
612 W MAIN ST
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
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ALDERMANIC REFERRAL

- 1. 28.12(11)(h)2.
28.12(11)(h)4

Remove the tent that was recently erected on the C3L zoned property at 1405-1419 Monroe Street.

There is no tent shown on any approved plan on file with the Zoning section of the Neighborhood Preservation & Inspection Unit.

Prior to implementing changes an alteration to the Conditional Use Permit must be obtained. After review of the application and submittals for an alteration to an existing conditional use, staff may refer the matter to the Planning Commission.

NOTE: Outdoor amplified sound (OAS) shall not be part of the outdoor eating area, except as specifically approved in the Conditional Use Permit for this property. WIAA events are not approved for OAS.

Attached are the approved site plans for the subject property. The first page shows the site during all times, except for the "summer" activity period shown on page two.

Compliance to the above named code(s) shall be on a continual basis.

This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit may issue citation(s), and/or refer the situation to the City Attorney's Office.

The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below.

From: Inspection Unit
215 Martin Luther King, Jr. Blvd.
P.O. Box 2984
Madison, Wisconsin 53701-2984

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Item No.	Violating Section No.	CORRECTIONS REQUIRED
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C: Stadium Bar & Eatery
Thomas G. Beach, Agt.
1419 Monroe St.
Madison, WI 53711

McGoff, LLC
Daniel J. McCarty, Reg. Agt.
612 W. Main St.
Madison, WI 53703

Please notify the inspector when work is completed. Telephone: 261-9662
Inspected by: Greg Patmythes On: 11/16/07 Date Issued: 11/21/07
The violations shall be corrected on or before: November 26, 2007

Code Enforcement Officer: _____

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.

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From: Inspection Unit
215 Martin Luther King, Jr. Blvd.
P.O. Box 2984
Madison, Wisconsin 53701-2984

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OFFICIAL NOTICE

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1419 Monroe Street

OWNER:
MCJINGLES LLC
DANIEL J MCCARTY REG AGT
612 W MAIN ST
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
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FIELD OBSERVATION

- 1. 28.12(11)(h)2
28.12(11)(h)4

Discontinue providing outdoor amplified sound prior to 10 a.m. on the C3 zoned property at 1419 Monroe Street.

The special events Conditional Use Permit does not allow for outdoor amplified sound to begin prior to 10 a.m.

The Planning Commission retains continuing jurisdiction over all conditional use permits.

- 2. 28.12(11)(h)2
28.12(11)(h)4

Discontinue providing outdoor amplified sound that exceeds 75 dBa at a distance of fifty (50) feet from the property line from the C3 zoned property at 1419 Monroe Street.

The Planning Commission retains continuing jurisdiction over all conditional use permits.

Compliance to the above named code(s) shall be on a continual basis.

This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit may issue citation(s), and/or refer the situation to the City Attorney's Office.

From: Inspection Unit
215 Martin Luther King, Jr. Blvd.
P.O. Box 2984
Madison, Wisconsin 53701-2984

City of Madison
OFFICIAL NOTICE

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Property Located At:
1419 Monroe Street

OWNER:
MCJINGLES LLC
DANIEL J MCCARTY REG AGT
612 W MAIN ST
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
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The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below.

c: STADIUM BAR & EATERY
THOMAS G BEACH AGT
1419 MONROE ST
MADISON WI 53711

Please notify the inspector when work is completed. Telephone: 261-9662
Inspected by: Greg Patmythes On: 10-28-06 Date Issued: 10-30-06
The violations shall be corrected on or before: November 4, 2006

Code Enforcement Officer: _____

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.

4

From: Inspection Unit
215 Martin Luther King, Jr. Blvd.
P.O. Box 2984
Madison, Wisconsin 53701-2984

City of Madison
OFFICIAL NOTICE

Notice: An inspection discloses that certain sections of the City Ordinances are being violated.

Property Located At:
1419 Monroe Street

OWNER:
MCJINGLES LLC
DANIEL J MCCARTY REG AGT
612 W MAIN ST
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
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COMPLAINT

- 1. 28.12(11)(h)2. Reduce the number of outdoor recreation areas on the C3 zoned lot at 1419 Monroe Street.

Prior to implementing changes an alteration to the Conditional Use Permit must be obtained.
- NOTE: Contact City of Madison Engineering, 608-266-4751, to discuss properly providing protection of the storm sewer inlets from sands that may run off during storm events.
- NOTE: Properly submit a Parking Stall Reduction Request simultaneously with the plans for the alteration of the Conditional Use Permit.
- NOTE: After review of the application and submittals for a minor alteration to an existing conditional use, staff may refer the matter to the Planning Commission.

Compliance to the above named code(s) shall be on a continual basis.

This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit may issue citation(s), and/or refer the situation to the City Attorney's Office.

The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below.

c: STADIUM BAR & EATERY, ATTN THOMAS BEACH, 1419 MONROE ST, MADISON, WI 53711

Please notify the inspector when work is completed. Telephone: 261-9662
Inspected by: Greg Patmythes On: 5-8-07 Date Issued: 5-10-07
The violations shall be corrected on or before: June 10, 2007

Code Enforcement Officer: _____

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.

4

207127019

McJingles L.L.C.

612 West Main Street, Suite 301
Madison, WI 53703
608-255-0605 (Voice)
608-255-2698 (Fax)

May 25, 2007

Greg Patmythes
Inspection Unit
P.O. Box 2984
Madison, WI 53701-2984

Dear Mr. Patmythes,

Regarding the complaint issued on May 10, 2007 against the Stadium Bar and Eatery located at 1419 Monroe Street, the owner, McJingles L.L.C., respectfully requests that the period allowed for the violations to be corrected be extended from June 10, 2007 to September 1, 2007. Following discussions with your department, McJingles L.L.C. will prepare a new site utilization plan for your review and, we hope, your approval. We thank you for your cooperation in this matter.

Sincerely,



Daniel J. McCarty
Registered Agent
McJingles L.L.C.

From: Inspection Unit
215 Martin Luther King, Jr. Blvd.
P.O. Box 2984
Madison, Wisconsin 53701-2984

City of Madison
OFFICIAL NOTICE

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Property Located At:
1419 Monroe Street

OWNER:
MCJINGLES LLC
DANIEL J MCCARTY
612 W MAIN ST
MADISON WI 53703

Item No.	Violating Section No.	CORRECTIONS REQUIRED
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FIELD OBSERVATION

- 1. 28.04(6)(a)
28.11(12)(2)

Reduce the volume of the outdoor amplified sound originating on the C3 zoned property at 1419 Monroe Street.

No sound originating from a C3 zoned property shall be in excess of 65 dBa when received by a residential district.

Compliance to the above named code(s) shall be on a continual basis.

This notice does not start any legal action. However, if the violations are not corrected by the due date listed below, the Inspection Unit may issue citation(s), and/or refer the situation to the City Attorney's Office.

The Inspection Unit is willing to answer questions pertaining to this official notice in order to assist you in correcting the violations. If you have questions or problems, it is important to contact me before the due date at the number listed below.

Please notify the inspector when work is completed.

Telephone: 261-9662

Inspected by: Greg Patmythes

On: 8-30-08

Date Issued: 9-2-08

The violations shall be corrected on or before:

September 5, 2008

Code Enforcement Officer: _____

Any person violating any provision of the City Ordinances enforced by the Inspection Unit is subject to the penalties provided by the appropriate Ordinance violated. ALL APPLICATIONS FOR APPEAL OF CHAPTERS 17, 18, 19, 27, 28, 29, 30 and 31 SHALL BE SUBMITTED TO THE INSPECTION SUPERINTENDENT IN WRITING WITHIN FIFTEEN (15) DAYS OF POSTMARK ON OFFICIAL NOTICE ENVELOPE. Appeal information may be obtained by calling 266-4551.

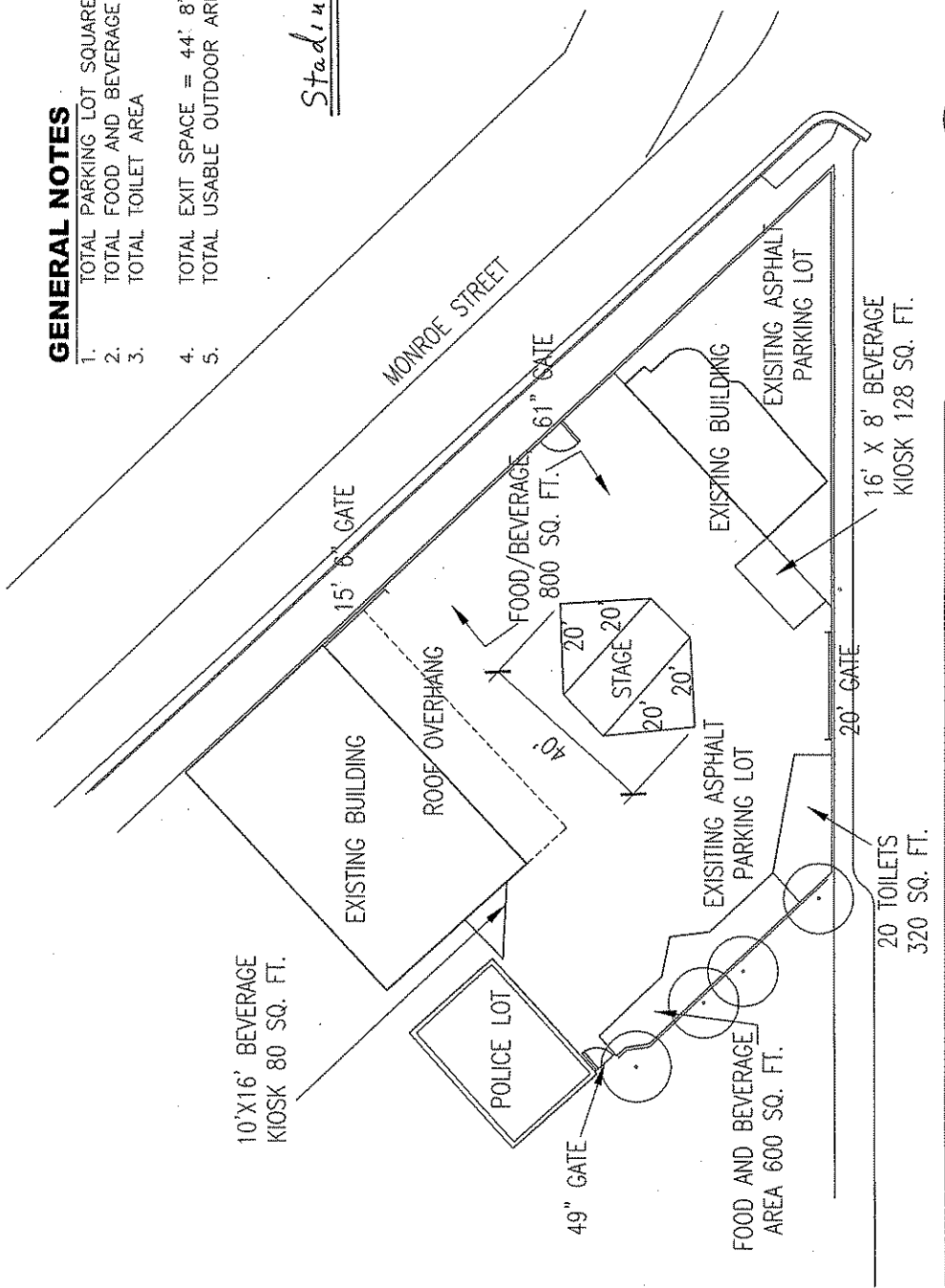
GENERAL NOTES

1. TOTAL PARKING LOT SQUARE FOOTAGE = 14,270 SQ. FT.
2. TOTAL FOOD AND BEVERAGE AREA = 1,688 SQ. FT.
3. TOTAL TOILET AREA = 320 SQ. FT.
2,008 SQ. FT.
4. TOTAL EXIT SPACE = 44' 8"
5. TOTAL USABLE OUTDOOR AREA = 12,262 SQ. FT.

Stadium Bar's Proposed Site Plan

STADIUM BAR
 OUTDOOR BEER
 GARDEN

MADISON, WI 53719



7/7/08

DATE OF ISSUE:	07/08
REVISIONS:	
PRELIMINARY	
NOT FOR	
CONSTRUCTION	
PROJECT #:	

SITE PLAN

