

From: [Sandra Reynolds](#)
To: [Plan Commission Comments](#)
Subject: Adam Benedetto's request to use outdoor amplification at his restaurant Friends Applaud
Date: Monday, April 13, 2026 4:12:31 PM

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When I first heard that Friends Applaud was planning on using amplification, I was upset.

I have lived at 406 Bram Street for thirty years now and have experienced how traumatizing amplified sound can be and how difficult it can be to monitor and manage it.

There was a time when you could walk through Bratfest and be perfectly comfortable, but when you stood in my backyard all you heard was a garbled fuzzy noise, so that during one of the most pleasant times of the year, I was forced to retreat inside my house.

Then there was the time the Alliant Center made money by hosting fun runs. To ramp up the energy they pummeled the residents in the three hundred block of Bram Street with high-volume music.

Furthermore we have suffered through basket ball events and all night revival services.

More recently the Alliant Center has changed its policies and Bratfest seems to have learned how to adjust their sound system.

But now we have someone with a background in restaurants, not acoustics, who plans on using amplification to succeed setting up shop in what is, with a few exceptions, a residential area. This sounds like a problem brewing.

When I finally found and read the documentation included in the agenda, I was somewhat reassured that the planning staff was closely monitoring the situation. And also Mr. Benedetto showed some concern about the neighborhood.

While for my part, I am very satisfied with two very successful businesses that thrive without using outdoor amplification: Lakeside Coffeehouse and Cargo Cafe, I understand that many residents support the addition of another, I would like to suggest another plan. ZuZu's Cafe on Drake Street is a successful establishment that holds a popular jazz session Thursday evenings, and also holds amplified events some weekends. This could be a workable schedule for Friends Applaud, and I hope both the city and Mr. Benedetto will consider it.

Regardless I hope the city can address another aspect of managing amplification. In the past whenever I tried to complain about noise, the response was always, they have a

permit, there is nothing we can do, even though as I understand it, every permit has a decibel level they must abide by. I recommend that any kind of permit granted to Friends Applaud have a decibel level and some specification about where the measurement shall be taken prominently published and easily monitored with a cell-phone application so that residents can help in monitoring noise level at Friends Applaud.

Thank you for allowing me to file this comment

Sandra Reynolds

From: [Carrie Rothburd](#)
To: [darrin.wasniewski@gmail.com](#); [Field, Derek](#); [ergnam-msn@proton.me](#); [Guequierre, John](#); [nicole.solheim@gmail.com](#); [Patrick Heck](#); [srsande608@gmail.com](#); [Glenn, Carmella](#); [Plan Commission Comments](#)
Subject: Fwd: Corrected: Bay Creek plan & Comp Plan/SMNP focus on residential development on Gilson
Date: Monday, April 13, 2026 1:54:52 PM

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Please post to Legistar re Plan Commission, Item #5, 4/13/26.

Plan Commissioners:

I am sending this corrected information relevant to the emphasis for development on Gilson St. from Bay Creek's most recent neighborhood plan, the 2005 South Madison Neighborhood Plan, and also information about updating neighborhood plans from the Comp Plan 2025.

This information is relevant to considering the staff report re item #5, the CUP app for 1602 Gilson St. Please see below:

I did some searching in the Comp Plan (2018 and 2023) and learned that staff wrote about referring to all iterations of a neighborhood plan was true in 2018--and then recognized as a problem. However I believe it is no longer true as of 2023:

“There are some instances where an Area Plan has not yet been adopted and sub-area plans overlap. Where this occurs, the more recently adopted plan should govern unless otherwise specified within the plan or within a plan amendment. Adopted plans are listed below by category, with dates reflecting the original adoption of the plans and subsequent amendments.” Comp Plan, page 130, as updated effective 12/5/2023.

This would mean that the neighborhood plan that is relevant for Gilson St. is the Bay Creek portion of the 2005 South Madison Neighborhood Plan--not the 1991 Bay Creek Neighborhood Plan--as the Plan Department's long-term planners have long told neighbors.

I also did some limited searching for Gilson St. In the 2005 South Madison Neighborhood Plan, where there is an emphasis on developing Gilson for residential use.

South Madison Plan 2005, Legistar 00300

<https://madison.legistar.com/View.ashx?M=F&ID=4367259&GUID=47E45407-F5E5-4C0D-B701-55814D84FF1A&G=D66739FE-4C3C-468C-A9F0-0198EFAA8EF8>

see page 43 (under the last picture)

In light of both these documents I think that staff report for Item #5 thus gives the mistaken impression that the focus of development surrounding 1601 Gilson is commercial. I think it is

important for Plan commissioners to receive the correct information before they discuss a possible CUP for 1602 for their decision to be, as the staff report asserts is must be, fact-based and bias-free.

Thanks, Carrie

On Mon, Apr 13, 2026 at 11:59 AM Punt, Colin <CPunt@cityofmadison.com> wrote:

Good morning, Carrie,

The short answer to your question is that staff provide the recommendation of every applicable adopted plan. Until the Area Plan underlying plans were archived during the West Area and Northeast Area Plans, there was no mechanism for that to happen and staff's practice has been to include all adopted plans regardless of age. The [Bay Creek Neighborhood Plan](#) (hopefully the new link works—the Planning website was just updated so that may be why the link was broken) was never officially retired. It is still available on the [Adopted Plans](#) map and the adopting resolution for the 2005 [South Madison Plan](#) does not retire or replace the Bay Creek plan.

As you can imagine, residents sometimes become very attached to their plans and are very resistant to letting them go. When the newer Area Plan system of plans was initiated, there were many discussions, sometimes heated, about what to do with underlying plan recommendations. What happens is that when plans are retired they are either removed from the website or noted that they are partially archived. For example, when the West Area Plan was adopted, the Spring Harbor Neighborhood Plan and the Odana Area Plan were removed from the website, but a note was placed on the [Southwest Area Plan](#) noting that parts of it were superseded by the West Area Plan.

It has been the practice of Planning Division staff to include all adopted plan recommendations in staff reports, even in areas in multiple planning areas or where plan recommendations differ. As noted in the staff report, the approval standards for conditional uses states that the Commission must provide “due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan,” but that plan consistency in itself is not an approval standard. One of the reasons that the adoption year is listed with each plan is so the Commission knows which recommendations are most contemporary.

Colin Punt, AICP (he, him, his)

Planner - City of Madison Planning Division

cpunt@cityofmadison.com |608.243.0455

From: Carrie Rothburd <crothburd@gmail.com>
Sent: Monday, April 13, 2026 7:02 AM
To: Punt, Colin <CPunt@cityofmadison.com>
Subject: Correction re Bay Creek neighborhood plan

Hello, Colin,

In your staff report you refer to the 1991 plan as Bay Creek's neighborhood plan and emphasize the industrial--I think you called it community--nature of the area surrounding 1602 Gilson St. This is a common misrepresentation.

In the interest of accuracy, I wanted to let you know that the 1991 Bay Creek Neighborhood Plan was retired in 2005, replaced by the Bay Creek portion of the South Madison Neighborhood Plan. The 2015 update process of the SMP did not include Bay Creek participants. However the Bay Creek portion of the 2005 plan is considered part of the SMP 2015 update and used for planning purposes.

The link Angela sent me below to the 2005 is no longer active, but if memory serves, the 2005 SMP reflects the Comp Plan's focus on developing more housing along Gilson St. and making the area less warehouse-focused. The reason for that is to bring it in alignment with the Comp Plan's focus on low and medium density.

Can you correct the confusion in the staff report for the Plan commissioners? I think this information is relevant to the decision they will make tonight concerning how conditional use for an outdoor patio and amplification does or does not fit with existing uses.

Thanks, Carrie Rothburd

----- Forwarded message -----

From: **Puerta, Angela** <APuerta@cityofmadison.com>
Date: Fri, Jan 23, 2026 at 4:06 PM
Subject: RE: Can I please get a link to to 2005 S. Madison Plan?
To: Carrie Rothburd <crothburd@gmail.com>

Correct



Angela Puerta, AICP (she/her/ella)

Urban Planner (Bilingual – Spanish)

City of Madison Department of Planning & Community &
Economic Development

Neighborhood Planning, Preservation & Design Section

215 Martin Luther King Jr. Blvd., Ste. 017

Madison, Wisconsin 53703

P: 608-267-8649 **F:** 608-267-8739

Email: apuerta@cityofmadison.com

Web: www.cityofmadison.com/neighborhoods/

From: Carrie Rothburd <crothburd@gmail.com>
Sent: Friday, January 23, 2026 4:05 PM
To: Puerta, Angela <APuerta@cityofmadison.com>
Subject: Re: Can I please get a link to to 2005 S. Madison Plan?

Thanks. Then those portions of the plan pertaining to Bay Creek that were not updated remain pertinent to planning for S. Madison?

Carrie

On Fri, Jan 23, 2026, 3:59 PM Puerta, Angela <APuerta@cityofmadison.com> wrote:

Good afternoon Carrie,

Yes, it is still on our website. Here is the link:

https://www.cityofmadison.com/dpced/planning/documents/South_Madison2005.pdf

Let me know if you have any questions.

Thanks,

Angela



Angela Puerta, AICP (she/her/ella)

Urban Planner (Bilingual – Spanish)

City of Madison Department of Planning & Community &
Economic Development

Neighborhood Planning, Preservation & Design Section

[215 Martin Luther King Jr. Blvd., Ste. 017](#)

[Madison, Wisconsin 53703](#)

P: 608-267-8649 **F:** 608-267-8739

Email: apuerta@cityofmadison.com

Web: www.cityofmadison.com/neighborhoods/

From: Carrie Rothburd <crothburd@gmail.com>

Sent: Friday, January 23, 2026 3:57 PM

To: Puerta, Angela <APuerta@cityofmadison.com>; Horvath, Linda
<LHorvath@cityofmadison.com>

Subject: Can I please get a link to to 2005 S. Madison Plan?

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Hello,

When Bay Creek was excluded form the S. Madison Plan update, Jule told us that those portions pertaining to Bay Creek in the earlier plan would carry over to the update. However it is no longer possible to Google the older plan online. Can you confirm this? I

would like to check to see what the earlier plan had to say specifically about Bay Creek;
so please send a link or a copy.

Thanks, Carrie

From: [Punt, Colin](#)
To: [Plan Commission Comments](#)
Subject: FW: 1602 Gilson St. -
Date: Monday, April 13, 2026 1:39:59 PM

Colin Punt, AICP (he, him, his)
Planner - City of Madison Planning Division
cpunt@cityofmadison.com |608.243.0455

From: Alex Kalfayan <aykalfayan@uwalumni.com>
Sent: Monday, April 13, 2026 1:38 PM
To: Punt, Colin <CPunt@cityofmadison.com>; Planning <planning@cityofmadison.com>
Subject: Re: 1602 Gilson St. -

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To whom it may concern,

I was contacted by the business owner at 1602 and Adam said that he would limit the outdoor music to a reasonable volume and not before noon or after 9 pm. He also said he would not be lighting a fire back there. This addresses my concerns and I am now in favor of this permit being approved based on those assurances.

Sincerely,
Alex Kalfayan

On Apr 13, 2026, at 9:52 AM, Alex Kalfayan <aykalfayan@uwalumni.com> wrote:

To whom it may concern,

I live directly nextdoor to the outdoor seating area and am very opposed to amplified outdoor sound. This would be present in my home at all times. It would make it impossible for me to do activities of daily life in my own home. There are very thin walls at 1610 Gilson St. , where I live, directly next door. This is actually a form of torture that is used at Guantanamo Bay. I have worked very hard to not have a business' soundtrack forced on me at workplaces. Having it in my home would be horrible. The city didn't respond when Starbucks was violating its construction permit rules by operating power tools at 6 or 7 in the morning on a Sunday and after 9pm. The property

owner of my building and 1602 has not responded to me about noise from other tenants since November of last year. The tenant at the workshop that uses the same back area where dining would occur, uses hazardous chemicals outside, directly under my window. Last fall there was a fire in that outdoor dining area and it meant I couldn't open my window for fresh air when it had been in the 80s during the day. I need to be able to sleep and breathe in my apartment. Please deny a permit for outdoor amplified recorded music at 1602 Gilson St.. If the business owner wanted to employ local musicians to perform outdoor, acoustic live music from 5 pm to 9 pm, I would be in favor of that. Recorded music during business hours would turn my apartment's soundscape to a living hell. Neither the city, nor the business owner have returned my phone calls to inquire about this proposal. Please deny this permit.

Sincerely,

Alex Kalfayan

From: [Curt Roeming](#)
To: [Plan Commission Comments](#)
Cc: [Adam Benedetto](#)
Subject: 1602 gilson st - 4/13 meeting - owner comments
Date: Monday, April 13, 2026 12:41:41 PM

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Dear Commissioners,

I am the owner of several properties in the area, including 1602, 1610, 1520, 1516, 1521, 1525, and 1529 Gilson Street, as well as 513 Pine Street and 1507 Beld Street.

Please accept this email as my full and total approval of the request for amplified music in the patio area of 1602 Gilson Street after 9:00 PM. I am unable to attend this evening's meeting in person, but I give Adam permission to share these comments on my behalf.

All of my buildings are rental units, and we clearly disclose the mix of commercial and residential use to all tenants before they sign a lease. I have worked extensively with Adam and Sacha to ensure their business is the right fit for this neighborhood, even keeping this unit vacant for over a year to find the appropriate tenant. I have previously denied many applicants whose business models did not align with the area.

It is my professional opinion that the limitations placed on the previous tenant ultimately led to the failure of their business. I hope the Commission will take this into consideration during the discussion of the application and prioritize the long-term viability of local businesses over complaints from residents who were fully informed of the neighborhood's commercial nature prior to moving in.

I can be available for questions at the number below until 5:30 pm today.

Thank you for your time and consideration.

Best regards,

--

Curt Roeming
608-222-0055

From: [Planning](#)
To: [Plan Commission Comments](#)
Subject: FW: 1602 Gilson St. - opposed to outdoor amplified sound
Date: Monday, April 13, 2026 10:03:36 AM

From: Alex Kalfayan <aykalfayan@uwalumni.com>
Sent: Monday, April 13, 2026 9:52 AM
To: Punt, Colin <CPunt@cityofmadison.com>; Planning <planning@cityofmadison.com>
Subject: 1602 Gilson St. - opposed to outdoor amplified sound

You don't often get email from aykalfayan@uwalumni.com. [Learn why this is important](#)

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To whom it may concern,

I live directly nextdoor to the outdoor seating area and am very opposed to amplified outdoor sound. This would be present in my home at all times. It would make it impossible for me to do activities of daily life in my own home. There are very thin walls at 1610 Gilson St. , where I live, directly next door. This is actually a form of torture that is used at Guantanamo Bay. I have worked very hard to not have a business' soundtrack forced on me at workplaces. Having it in my home would be horrible. The city didn't respond when Starbucks was violating its construction permit rules by operating power tools at 6 or 7 in the morning on a Sunday and after 9pm. The property owner of my building and 1602 has not responded to me about noise from other tenants since November of last year. The tenant at the workshop that uses the same back area where dining would occur, uses hazardous chemicals outside, directly under my window. Last fall there was a fire in that outdoor dining area and it meant I couldn't open my window for fresh air when it had been in the 80s during the day. I need to be able to sleep and breathe in my apartment. Please deny a permit for outdoor amplified recorded music at 1602 Gilson St.. If the business owner wanted to employ local musicians to perform outdoor, acoustic live music from 5 pm to 9 pm, I would be in favor of that. Recorded music during business hours would turn my apartment's soundscape to a living hell. Neither the city, nor the business owner have returned my phone calls to inquire about this proposal. Please deny this permit.

Sincerely,

Alex Kalfayan

From: [Adam Benedetto](#)
To: [Plan Commission Comments](#); [Evers, Tag](#); [Sacha Benedetto](#); [Punt, Colin](#)
Subject: April 13th Planning Meeting: Agenda item: 92235
Date: Sunday, April 12, 2026 4:30:04 PM

You don't often get email from adam@friendsapplaud.com. [Learn why this is important](#)

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Making myself clear about the Frequency and Intensity of outdoor amplified events at Friends Applaud

There has been some confusion about how often and what kinds of amplified events I want to host at Friends Applaud. Let me make that crystal clear: I want to have regular amplified events outside. I expect that they will not be of great intensity and the sound will not travel off of the premise. Friends Applaud is a restaurant. Our primary focus is not music. It's feeding people and making a nice environment. The only time I have actually stated I want to have live bands outside is the way they do it at the outdoor venue in Paoli --which is during the day and before sunset.

Here is an example of an ideal week for me.

Wednesday: serve food and coffee, wine, beer and spirits from 10AM to 9PM.

Thursday: Serve food and coffee, wine beer and spirits from 10AM to 9PM. Maybe we have live music from 6PM-8PM, someone playing guitar like Catfish Stevenson. Maybe they play inside, maybe they play outside. Catfish is a solo guitar act that sings kind of melancholy cowboy music on a steel guitar.

Friday: Serve food and coffee, wine, beer and spirits from 10AM to 9PM. Maybe Friday night we have a stand up comic outside from 6pm to 8pm. Madison has a vibrant open mic night so that could be fun. Maybe, it works better inside. I don't know. These are things I'd like to find out. If it bothers the neighbors, we'll stop. If it just doesn't work, that's fine. I'd like the opportunity to try it but it's not my bread and butter. My bread and butter is feeding people-- events come as a second priority.

Saturday: Serve food, coffee, wine, beer and spirits, from 10AM to 9PM. Perhaps we can book a couple of bands outside during the day and have music from 1pm to 6pm so people can ride their bikes over, have lunch or an early dinner and chill out and then head home.

Sunday: Serve food, coffee, wine, beer and spirits, from 10AM to 9PM. Perhaps in the morning there is a baby shower for 80 people and they want to open gifts with a microphone.

Or perhaps instead of a baby shower we have a theater performance in the afternoon that is amplified for background sound effects like thunder and rain -- but is a majority just actors speaking their lines.

I don't know exactly what we're going to do yet but I do know that I am a considerate person and a considerate neighbor. Every day I ask people about their food allergies and I memorize their dietary restrictions. I am already sensitive to the sounds and noise in the neighborhood. I

built the restaurant out myself, handling all the construction for 3 months. During that time there were no noise complaints or upset neighbors complaining about loud saws late at night.

So just to give you a crystal-clear understanding so I can hopefully put everyone at ease... I'm not planning on having a 5 piece band with a drum set raging until 9pm. I've never ever once even implied that. I spent the past six years taking care of my kids as a stay at home dad. I currently have a 3 year old and a 6 year old so I'm very sensitive to how loud things are when you're trying to put a kid to bed. I said this at the ALRC meeting, I said this to the zoning commission, I said it to my alder, and I've said it to all the neighbors, which is why 200 of them have signed the petition supporting my vision because they trust me.

I never intend to have a band where people have to pay a cover to get in. I never intend to have amplified music that reverberates into the neighborhood. I am not intending to open a music venue. I do intend to be a considerate neighbor.

I want to have amplified music that is not loud but is clear for my patrons. The city already has decibel limits. I don't intend to go over those guidelines. I have yet to do anything at all other than serve coffee and listen to chill downbeat music.. which is what I listen to (I'm in the top 1% of Spotify Olivia Dean listeners!)

I hope this schedule lays out my overall ambitions for the space.

Thank you for your consideration, I hope this clarifies matters for everyone involved.

--

Adam Benedetto
Friends Applaud
Cell: 718.501.4306



From: [Robin Greenler](#)
To: [Plan Commission Comments](#)
Subject: April 13 Plan Commission Meeting Agenda Item #92235
Date: Saturday, April 11, 2026 1:53:13 PM

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Hi Planning Commission folks,

At your April 13th meeting Agenda Item #92235 will come up, a conditional use permit for Friends Applaud.

As a resident of this neighborhood, I encourage you to approve it. The vision of Friends Applaud is a community resource where the neighborhood can gather and share food, a drink, and socialize. That will be supported by them being able to officially operate as a restaurant serving beer, wine, and spirits, as well as having outdoor seating and more than four amplified events per year. I am confident they will be good and responsive neighbors. The neighborhood would relish having more of these kinds of establishments and it will support the vitality of our community.

I cannot understand why this would be denied unless it is by some not-in-my-backyard sentiment. I say yes to responsible, responsive, careful growth and development of community services in Bay Creek. Please approve their permit!

Thanks for listening,
Robin Greenler
706 Emerson St

From: [Joseph Murphy](#)
To: [Plan Commission Comments](#)
Subject: Plan commission 4/13 mtg
Date: Monday, April 13, 2026 5:57:02 AM

[You don't often get email from info@josephmurphy.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Hi,

I'm writing to add my support as a resident of the affected neighborhood in support of the Friends Applaud business plans and conditional use permit request for the business at 1602 Gilson. I feel that the restaurant's request for extended hours and occasional use of amplified sound in their courtyard would be a welcome benefit and a net plus for many people in the neighborhood and surrounding area. The commission has approved so many new buildings for residents and housing along Park Street in recent years that it only stands to reason that the commission allow for an increase in neighborhood destinations and public gathering places for residents as well. Thank you for your consideration!

Joe Murphy

Sent from my iPhone

From: [Carrie Rothburd](#)
To: [Plan Commission Comments](#)
Subject: Please post to Legistar for 4/13/26, Item #5, 1602 Gilson CUP
Date: Sunday, April 12, 2026 9:41:02 PM
Attachments: [1602 Gilson_CU App_041326.pdf](#)

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Hello,

Please post both this email and the accompanying PDF re Item #5 to Legistar for the Plan Commission meeting on 4/13/26.

Thank you,
Carrie Rothburd

I was chair of BCNA's Development Committee in 2018 when the Funk Factory filed its CUP for an outdoor patio with sound. I led the effort of organizing near neighbors with Laura Zirngible. We helped administer the survey of neighbors' preferences, and I acted as mediator on behalf of the area residents with Amanda Funk and with Planning staff. That effort led to the CUP that facilitated a successful relationship between neighbors and the Funk Factory. Our alder at that time, respecting the commitment of the tree streets' long-standing community to help build a new business, while protecting their legal rights to the uses and enjoyments of their properties, backed our efforts. So did your predecessors on this Commission.

I've included some photographs of 1602 in your packets so that you can get some sense of the proximity of 1602 to the neighboring modest homes, narrow streets, and open windows that characterize this neighborhood. I've also included a list of the CUP limits from 2018.

To: Planning Commission
 From: Carrie Rothburd
 Re: Response to staff report for a CUP for 1602 Gilson St.
 Date: April 13, 2026

Applicant’s Request

The applicant is requesting three conditional use approvals for 1602 Gilson St.:

- 1) To operate as a restaurant;
- 2) To operate a back patio for dining from 10 am - midnight;
- 3) To include amplified sound in the rear (back patio) dining area, ending at 9 on weekends and 8 on weekdays.

The applicant’s plans are in flux and its planning process incomplete. The applicant’s CUP application differs from its Alcohol License application and Entertainment License application in describing the purposes to which it will put its back patio. There may be acoustic and/or amplified spoken word performances, comedy shows, plays, live music, and mood-making recorded sound. A recent news report* stated: “In the summer, [Friends Applaud] hopes to set up a grill on the back patio and cook burgers, steaks and breakfast items.” The news report also stated that [Friends Applaud] hopes to hold full theater productions, another use which would likely require conditional use approval.

*https://www.channel3000.com/madison-magazine/freewheeling-new-restaurant-opens-on-madisons-southside/article_7b1fe7de-e9b4-4dde-af22-bea4f9e0fabf.html

Description of Surrounding Area

1602 Gilson St. is located in an area that the Comprehensive Plan recommends for low-density residential, including this site, with medium residential across the street. Residents were supportive and even instrumental in ensuring this recommendation as part of a long-term effort to bring more needed medium-density housing to Bay Creek. The most recent neighborhood plan for this area is contained in the South Madison Neighborhood Plan (2005) and generally supports residential use for this part of Bay Creek as well. (The 1991 Bay Creek Plan was officially retired by the city in 2005.)

Proximity to Residential Uses

Per the staff report for 1602 Gilson:

- There are 7 dwellings within about 150 feet (4 to the north, 2 to the west, and 1 to the east).
- The nearest residence is about 12 feet from the outdoor back patio in a 2-unit building.

It is perhaps more informative to look at the table below, which also includes 2927 East Washington for comparison. 2927 East Washington was denied a CUP for amplified sound on its back patio last month. In its report, staff focused on the distance to the nearest residence to show that Conditional Use Standard 3 could not be met. It did not analyze the broader number of residences.

Note that 1602 Gilson St. outpaces 2927 East Washington Ave. in the proximity of its nearest dwelling to its patio and in the number of dwellings within a 115’, 175’, and 250’ radius of the proposed patio.

	1602 Gilson St.	2927 E. Washington Ave.
Zoning of adjacent uses	TE, TR-C2, TR-C4, CC-T	TE, CC-T
	Back patio	Back patio
Size/location of patio	Large, behind building (50’ x 95’)	Small, behind building
Shielding of patio from residences	<i>Enclosed on 2 sides by the 1-story tavern</i>	<i>Enclosed on 2 sides by the 1-story tavern</i>
Closest residential unit	<i>2 in 2-unit building at a distance of 12’</i>	<i>1 unit in a single family home at a distance of 40’</i>
Number of dwellings within 115’	4 units (2 add’l. are single-family homes)	--
Number of dwellings within 175’	11 units	8 units
Number of dwellings within 250’	14 units (bounded by Pine/Beld/Gilson)	12 units
Number dwellings within 500’	~35 units in 25 buildings	<i>185 units in 29 buildings</i>
% parcels with no dwelling units	30%	22%
Avg distance dwellings from patio	150’	150’
	Front patio	
Closest residential unit	1 unit in a single family home at a distance of 20’	

Conditional Use Standards 3 & 4

The staff report for 1602 mentions staff’s concerns related to Conditional Use Standard 3 due to the proximity of the proposed outdoor eating area to residential uses. Staff states clearly that it cannot conclude that all requirements and conditions established by the city relating to conditional use are or shall be satisfied. It believes that:

“[there are] challenges to mitigating sound impacts. The amplified sound impacts will vary based on factors such as the volume levels, location/setup of stage and speakers, size of performing ensembles, types of amplification, effectiveness of on-site management and mitigation efforts, and frequency of events.

“Careful attention should be given to all of the submitted materials and input at the public hearing. Due to the proximity issues, staff cannot definitively conclude Standard 3 is met at this time. As such staff have not recommended outright approval and recommend that the Plan Commission give careful consideration to this request.

“... Plan Commission may be able to find that the applicable standards of approval can be met with additional restrictions, considering the previous approval allowing very limited outdoor sound on this site.”

The 2018 staff report to the 2018 CUP application also listed concerns about the challenges to meeting Standard 3 “due to the size, location, and possibility for outdoor amplified sound.” Please see Attachment 2 for the conditions on approval on the CUP approved in 2018.

While the proposed outdoor eating area at 1602 is not necessarily incompatible with residential uses, one with hours past 9:00 pm or with amplified sound could easily be problematic and interfere with existing residential use. In evaluating the situation at 2927 East Washington, staff concluded that, “due to the proximity issues, staff cannot definitively conclude Standard 3 is met.” In fact, from the staff report for 2927 East Washington contained an informative and relevant chart, reproduced below, that shows 27 CUP requests since 2015 for amplified sound in an outdoor eating area. All were denied except for one, the Mint Mark on the ground floor of a mixed-use building with 289 residences. With an average distance from nearby dwellings of 150’, the patio at 1602 Gilson and the patio at 2927 East Washington both fall in line with those requests for outdoor amplified sound that the Plan Commission has turned down since 2015.

Table 1: Requests for Outdoor Eating Area which Came Before the Plan Commission Since mid-2015

Amplified Sound Allowed by the Plan Commission in the Outdoor Eating Area?	#	%	Approximate Distance to Nearest Residential Unit		
			Median	Average	Range
Yes	10	12%	175 ft	277 ft	0** - 820 ft
No	56	69%	45 ft	65 ft	0** - 310 ft
None Proposed	15	19%	330 ft	411ft	0** - 820 ft
TOTAL		81			

One is left to guess why likely inability to meet Conditional Use Standard 3 is not a deal breaker for 1602’s CUP application as it is for 2927 East Washington’s. Staff mentions density of housing in proximity to the patio and the zoning of residential uses more than once without specifically explaining the relevance of either. Yet:

- Density of use is not a criterion for considering whether Conditional Use Standard 3 is met. At a distance of 500’ from 1602, the measure staff used, there are fewer residences close to 1602 Gilson than there are to 2927 East Washington. Moreover, Standard 3 is not met if even one property suffers impairment of the enjoyment of its existing use.
- Zoning of adjacent uses is not a criterion for considering whether Conditional Use Standard 3 is met. Staff also notes in comparing 2927 East Washington to 1602 Gilson that the residences most closely adjacent to 1602 are zoned TE. In fact, residential is a permitted or conditional use for TE. Restaurants—especially tavern-restaurants are not and require Plan Commission approval for conditional use to ensure their compatibility.

The Plan Commission must take the same care to ensure that no foreseeable harm occurs to existing residential uses adjacent to 1602 Gilson St. as it did for 2927 when it put the CUP app on file, citing “that standard #3 was not met due to the proximity of the outdoor eating area with proposed amplified sound to residential uses.” Should Plan Commission find that Conditional Use Standard 3 can be met for 1602 with a nearest residence only 12 feet away, it is important for the Commission to establish a valid explanation as to how this is possible to rule out the application of bias. It will also need to consider whether it has grounds after all for rejecting the CUP application for 2927 East Washington.

Conditional Use Standard 4: ("The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district not impede the normal and orderly development.") Staff says it believes this standard can be met, but is relevant, given the Comp Plan's recommendation that this area develop as a residential area, and Madison's emphasis on growing its housing stock, to consider it more fully. Having a large open patio holding lots of people and noise could well discourage this intended transition and impact the intensification of residential uses (low residential for the applicant's block with medium residential across Gilson) laid forth in the Comprehensive Plan.

Supplement Regulations Governing Outdoor Eating Areas

The staff report also states that, per MGO Section 28.151, Outdoor Eating Areas Associated with Food and Beverage Establishments are subject to the following Supplemental Regulations:

- 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.

It would be important for the Plan Commission to determine why supplemental regulation a) was not discussed in the staff report for 1602 Gilson as it pertains to the front patio. Regulation d) deserves in-depth discussion as well.

Conclusion

Conditional use is about ensuring a good fit between existing uses (in this case, largely residential) and a use that is not permitted (in this case, an alcohol-serving and entertainment-providing restaurant/tavern). Unless specifically limited, a conditional use carries over to future owners. The Plan Commission should put this CUP application on file without prejudice so that the applicant can return to provide substantial evidence that its operation, and specifically its back and front patios, are a good fit with established uses (Conditional Use Standard 3) or future uses (Conditional Use Standard 4). Without this additional information, the Plan Commission cannot find that Standards 3 and 4 are met. Moreover, as stated above, there is the issue of consistency to consider. If conditional use for a patio is granted to 1602 Gilson, then by right must it be granted as well to 2927 East Washington?

The Plan Commission should not approve initial Conditional Use with the recommended condition that it be valid for one year only, after which the applicant would need to apply to extend the Conditional Use approval. Conditional use is meant as a protection to existing uses, not a test run. The families, workers, and children, who are neighbors of the establishment at 1602 Gilson deserve to have their right to the use and enjoyment of their property taken seriously from day one of operation. They need the guarantee of a well-thought-out CUP for 1602—not trial and error.

A CUP application is not an inconvenience to be rushed through. It should not contain uncertainties or unfinished plans. The standard-based evaluation demanded by Plan requires proof that relevant conditional use standards will be met based on "substantial evidence" that directly pertains to each standard and not base its decision on "personal preference or speculation." Wisconsin Statutes, §62.23 (7) (de) also require the applicant to provide substantial evidence that all requirements and conditions established by the city relating to the conditional use are or shall be satisfied.

All of which is not to say that Conditional Use Standard 3 cannot be met by Friends Applaud. But there is not sufficient evidence are present to say that it will be met by the planning that has gone into this current application.

ATTACHMENT 1



On Gilson St looking south at the front patio. Near neighbor's backyard at corner of Gilson and Pine is ~10 feet to the right (north) of the fence.



From the front patio across the alley looking north on Gilson to the neighbor's back yard.



The back patio (right of yellow post) with the apartment building (left).

ATTACHMENT 2: PAST CUP FOR 1602

The 2018 CU application for 1602 Gilson dealt with the requirement that the patio not impose on existing uses by insisting the following. Nothing has changed about the geometry of 1602, its patios, or its relationship to its residential neighbors. For this reason, a review of the limits on conditional use from 2018 is instructive:

- Hours of operation for both outdoor eating areas was limited to Monday through Sunday from 10:00 am – 9:00 pm. (The staff report said: “For non-amplified event nights, Staff also has concerns about having the patio open until midnight due to potential conflicts with nearby residential uses and believes that an earlier closing time [9:00 pm] should be carefully considered by the Plan Commission.”)
- [Amplified sound] was limited to four (4) event dates where outdoor amplified sound may be used (with advance notification of dates). The rear patio could remain open until 10:00 pm for the 4 events.
- No amplified sound, including, but not limited to television, ambient music or musical performances, in the outdoor eating areas located at the brewery and tasting room except during the 4 permitted amplified events.
- The applicant had to install a fence.
- Any wood burning fire pit was prohibited.
- The applicant was required to explore alternative off-street parking spots.
- Outdoor speakers [were] required to be placed where they would have the least impact on residents.

ATTACHMENT 3: PROPOSED PLANNING CONDITIONS

- 1) Proposed Planning Condition #5, requiring “that a noise attenuation and management plan” should be worked out with sound experts and with the input of the community.
- 2) Proposed Planning Condition #6 needs further refinement. This condition, which would allow the inside amplification to be shared with the outside patio until 8 pm on weekdays or 9 pm on weekends, could cause amplification to carry a far distance. It certainly would be an impairment if a large garage door were to be added.
- 3) Additional planning conditions should also be considered pertaining to the size and occupancy of the back patio. The project plans (page 2) show a schematic of the area for the outdoor patio. While the entire length of the open space is 100 feet, the barrel/chain divider as seen from a Google aerial view is actually about 57 feet from the northerly building. The 3,000 square feet of outdoor area stated in the application corresponds to the larger patio footprint as shown by the existing barrel/chain divider. If the patio were extended to the end of the fencing, that would add about another 1,000 square feet of space.
- 4) Proposed Planning Condition pertaining to size and capacity:
 1. Limit the patio size to 3,000 square feet. Should the patio exceed this size, another 250 square feet could be allowed by a minor modification.
 2. Limit the patio capacity. At 3,000 square feet, it could hold about 600 standing people. With tables and seating, the maximum capacity would be about 200 people. This is not a location for 600 people.
- 5) Proposed Planning Condition related to hours of operation Close the front patio by 8 pm. Quit seating at 7 pm.
 1. Set a closure time of 9 pm for the back patio when all patrons will be required to depart. *This is a reasonable and standard time for restaurants to close. A 10 pm closure time will interfere with neighbors’ uses of their properties.*
 2. Allow quiet ambient sound (low-level amplified or acoustic) from 4 PM – 8 PM for dinner.
- 6) Proposed Planning Condition related to hours when outdoor sound is/is not allowed.
 1. Limit the number of days that amplified sound can be played and the hours that amplified sound can be played to Fridays and Saturdays during the months of June, July and August. *(This is a reasonable and generous expansion on the part of the community. It represents 24 additional days of 5 hours of music. The 56 days of all-day sound proposed by the city would interfere with neighbors’ existing private uses of their properties.)*
 - a. Events on weekends must not exceed reasonable noise levels (about 70 decibels).
 - b. Near neighbors, working with city staff and the alder, will establish guidelines for decibel-level based on those created in other neighborhoods, such as in District 6.
 2. Set a maximum number of special “events.”
(Check in with near neighbors about their experience of the Funk Factory’s amplified events. Four events only per year that lasted to 10 pm worked for the community. The possibility of not allowing amplification outdoors should be considered as well.)
 3. No sharing of inside and outside sound. There should be no amplified or acoustic sound ever on the front patio. If the garage doors are open during the warm weather, then the sound must be shut off to avoid spreading the sound beyond the boundaries of Friends Applaud into the neighborhood.

From: [Karl Kendrick](#)
To: [Plan Commission Comments](#)
Subject: Regarding meeting on restaurant/bar/music at 1602 Gilson
Date: Sunday, April 12, 2026 10:13:32 PM

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Regarding meeting on restaurant/bar/music at 1602 Gilson st:

My property at 1502 Gilson st is right next door to 1602 Gilson st property. The prior business (funk factory) at this location had limitations on the number of outdoor events with amplified music and reasonable hours of operation. I ask that similar conditions be set for this new business. It seems unreasonable that we have to endure regular noise from the 7am to 5pm businesses and have to deal with more amplified sound on a daily basis up to midnight. My family has lived here since the late 60's with many businesses at the 1602 Gilson st location without any major issues regarding sound in the evening and night hours. I can currently hear the sound from the labor temple events and the alliance center. You can imagine what it would be like right next door. I would hope the planning commission recognizes this is residential area that has a right to peaceful enjoyment of their property.

Please adopt the prior limits set for the funk factory and make them permanent, so we don't have to keep revisiting the same issue over and over again.