

Esteemed Zoning Board of Appeals members,

I am here tonight to defend my appeal regarding the Zoning Administrator’s decision that allows the development of a biergarten in Olbrich Park without review by the Plan Commission.

Olbrich Park does not allow alcohol except for limited Permitted use. The biergarten received a Class B tavern license. It is a unique and first of its kind project in Madison that warrants scrutiny and should be required to be reviewed by the Plan Commission for zoning approval

At the March 7th Common Council meeting Zoning Administrator Tucker stated that the biergarten is a “... **type of outdoor recreational space**” additionally, he indicated his believe that it is consistent with what you do in parks and would not require any special approval from the Plan Commission.

In an email to Alder Rummel Mr. Tucker stated that he deemed “...the outdoor alcohol sales/biergarten space as accessory to the park use...”

In the Parks and Recreation zoning code ‘Outdoor recreation’ requires a conditional use permit whether it is considered a primary or accessory use. Based on Mr. Tucker’s definition of the biergarten as an accessory use it is clear that according to the PR zoning code this project requires a conditional use permit.

There are many adverse effects of the biergarten for the plan commission to consider including:

- Parking, Parks Dept. recognizes there is a parking overload. Undoubtedly the addition of biergarten patrons and park visitors who stay longer to spend time at the biergarten will increase the need for parking. Since there is no parking on Atwood Ave my guests will need to compete for parking spaces on city streets.
- Noise, The Parks Department acknowledged the addition of biergarten patrons, potentially 240 at a given time, will increase the level of noise. The wind predominately blows in from the lake, and voices carry. Sounds from the users of the park already have an impact but these situations are occasional nuisances, not daily events. The biergarten is scheduled to be open 7 days a week, 6 months out of the year, for at least 7 years.
- Environmental concerns Lake turtles lay their eggs every spring along the beach shore. Will the construction and increased foot traffic interfere with the nesting habitat of the turtles? Wildlife habitats run along the lake shore, these have not been taken into consideration, is this appropriate in a natural environment?
- Impact of alcohol in a City park, I have a Grandson that I take to the beach and park; I have safety concerns with him sharing the restrooms/changing area with persons who have been drinking. I have concerns about the message it sends to him that outdoor activities must rely on alcohol in order to bring people together.

Your decision tonight will be precedent-setting as Parks has plans for more biergartens if this one is a success. If it is not an “outdoor recreation use” where exactly does it fit in the zoning ordinance—as a tavern? That is prohibited in Parks and Rec zoning districts.

Thank you for your time and consideration.

Susan Landsverk

April 13, 2017