

City of Madison Plan Commission
c/o Dept. of Planning and Development
215 Martin Luther King Jr. Blvd.
Madison, WI 53701-2984

January 20, 2009

Re: Beer Garden at Stadium Bar, 1419 Monroe St.

Dear Plan Commissioners and City Staff:

We would like to thank City Staff for sending us the "Notice of Public Hearing" regarding the continuing jurisdiction on an approved conditional use for a beer garden at the Stadium Bar, and, therefore giving us the opportunity to comment. The Vilas Neighborhood Association (VNA) strongly supports strict regulations and restrictions for beer gardens. We appreciate and support police efforts to deal with the crowds and the unintended effects of these auxiliary uses of outdoor spaces.

We have three issues to raise as you consider what to do with this specific conditional use permit, but hope you will keep our concerns in mind when dealing with other beer gardens, too.

We are very concerned about the number of violations on record for this property. It appears the Stadium Bar has been operating in violation of the standards of a Conditional use and conditions of approval for some time. From amplified sound/noise violations, violating restrictions on hours of operation, and not meeting a term of a condition from 2004, the construction of a decorative fence on Monroe St. (as of 10/13/08).

Another major concern of our neighborhood is the uncertain definition of a "special event" at Camp Randall Stadium, which impacts how frequently the beer garden is operated. Attorney Mr. Harvey Tempkin, representing the owners of the Stadium Bar, stated in a letter dated May 5, 2008 that the owners believe the scope of special events includes "most, if not all, events which the public may attend at Camp Randall". The owners prepared a list of "special events" for review by city staff which, if allowed, would result in nearly year-round beer garden activity. Incredibly, the list includes "up to two away University of Wisconsin football games per season"; these are not actual events at Camp Randall but apparently are a good excuse for this bar to spill out its business into our neighborhood. Clearly what constitutes a special event worthy of "bending the rules" regarding outdoor alcohol service must be spelled out to these owners and others. The VNA suggests that only NCAA-approved home games of the UW-Madison men's football team warrant such a "special event". If this location can expand the number of events, it will spread to other sites. The Stadium Bar and others in our neighborhood will still be well-positioned to serve customers *within their establishments* at other times when crowds are drawn to the Camp Randall area.

Our third area of concern is that the capacity of the existing beer garden at the Stadium Bar seems excessive. The license for the premises has building capacity at 255 people. The owner has claimed in the past that there is trouble vacating the beer garden on time because of the large number of patrons:

9/27/06 police report – Officer states (owner said) "We had 4,000 people in here.... It's hard to get people out on time."

10/9/07 police report – officer states at 9pm (one hour past closing time) still 200-250 people in beer tent, many drinking alcohol.

It seems clear that the management of the Stadium Bar is unable to handle the large capacity crowds in their beer garden. Can a limit be set on the number of patrons inside the beer garden area that is related to the capacity of the main building?

VNA requests that the Plan Commission and City staff impose, maintain and enforce strict restrictions on all conditional use permits for outdoor eating and drinking, particularly beer gardens. In this instance including clear definitions of what events at Camp Randall allow fenced, monitored outdoor drinking. We believe that there need to be consequences for the violations already on record, and not just a discussion about how to "make it work out" for next season. What happens at this site will influence the operation of existing and future establishments on both Monroe and Regent Streets.

As development continues on Monroe Street and begins in the Regent Street - South Campus Corridor we hope you will heavily weigh the effects on quality of life issues, as growth affects both our residential neighborhoods and small business corridors. In addition to our concern about the effects beer gardens have on our neighborhood, we are joining with other neighborhood associations and the County in efforts to create initiatives to begin changing the broader culture of alcohol use and abuse in our community. We look forward to working with you. Thank you very much.

Sincerely,

President,
Vilas Neighborhood Association

Firchow, Kevin

From: Fraser Gurd [fgurd@inxpress.net]
Sent: Monday, January 26, 2009 3:35 PM
To: Murphy, Brad; Firchow, Kevin
Cc: Kerr, Julia; Webber, Robbie; Rosemary Bodolay; Chuck Erickson; bradricke@charter.net
Subject: Stadium Bar conditional use permit

Re: 1419 Monroe Street, Stadium Bar
Legislative file ID 13349
Plan Commission 2009-01-26, item 10

Dear Plan Commission:

I agree with and support the letter that the Vilas Neighborhood Association (VNA) has sent to the you on the Stadium Bar.

I think that the Stadium Bar needs to manage their existing beer garden in a safe manner. It is clear that they have not done this, so perhaps fewer beer garden days or a smaller beer garden would allow them to better focus their efforts on meeting the requirements of their existing conditional use permit.

The terms set forth under the June 1, 1998 George Carran/Bill Roberts letter and the subsequent September 15, 1998 Bill Roberts letter should not be changed. The neighborhood barely endures the current frequency of beer gardens. An increase in days of operation given to the most problematic beer garden operator will surely result in similar requests from the other beer garden operators.

When I was chair of the VNA (Vilas Neighborhood Association) Zoning Committee, I was asked to work with Mike Franklin, the then owner of the Stadium Bar, and his brother Mark after Mike sold the bar to Mark. Absent an active neighborhood association in the area, we were asked to participate in the beer garden process with respect to the Stadium Bar. At the time, the Plan Commission denied the request of the Stadium Bar for increased hours of operation and requests for increased days of operation. Both Franklin brothers were honest and straight-forward and easy to work with. The beer garden would be run by the rules if Mark Franklin were still running it.

Thank you for your kind attention,
Fraser Gurd
1526 Jefferson Street



Department of Planning & Development
Planning Unit

Website: www.cityofmadison.com

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, Wisconsin 53701-2985
TDD 608 266 4747
FAX 608 267-8739
PH 608 266-4635

April 5, 2006

Mr. Rodney Ripley
Rip Van Lucky, LLC
5626 Cobblestone Drive
Madison, WI 53715

INFORMATION
REQUESTED BY NAN FEY
RE: "LUCKY'S" 2006 PC ACTION
CONDITIONS

RE: 1429 Regent Street

Dear Mr. Ripley:

The Plan Commission, at their April 3, 2006 meeting denied your request for a major alteration to your existing conditional use that would enable operation on two additional days. The days requested were the date of the University of Wisconsin spring game and the "Crazy Legs Run."

Based on the testimony provided at the Plan Commission public hearing, the Plan Commission found that the ordinance standards number 1 and 3 relative to conditional use applications have not been met. If you have any questions or require additional information, please contact me at 266-4635, or the City Zoning Administrator, Matt Tucker at 266-4569.

Sincerely,

Bill Roberts
Planner IV

C: Ald. Knox
Matt Tucker, Zoning Administrator



Department of Planning & Development
Planning Unit

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March 1, 2005

Mr. Rod Ripley
5625 Cobblestone Drive
Madison, WI 53714

RE: 1421 Regent Street

Dear Mr. Ripley:

At the request of the Madison Common Council, the Plan Commission was asked to address a potential noise complaint relating to an approved conditional use located at 1421 Regent Street for a restaurant/bar/outdoor eating area operating on UW home football game Saturdays. This matter was considered by the Plan Commission on February 7, 2005. After discussion, the Plan Commission decided it would consider this some time after September 19, 2005.

The Plan Commission requested that prior to this matter returning to the Plan Commission, that City Zoning staff conduct a review of the site to ensure the conditions of approval of the conditional use are being implemented. The Commission asked that we give you a copy of the City's noise ordinance. It was also suggested that City staff send you a letter strongly encouraging compliance with the conditions of your conditional use approval. The property has had a conditional use permit to operate an outdoor eating area on Saturdays of UW home football games for some time. Attached are the standards which are applicable to all conditional use applications in the City of Madison.

On May 23, 1994, the Plan Commission approved a conditional use permit for this site for the business known as Terrazzo's Restaurant. A copy of the Plan Commission's approval letter dated May 25, 1994 is attached for your information. Attached is a copy of the approved site plan specifically noting conditions related to the access gates being closed on Jefferson Street and the location of the portable toilets. **This site plan is the approved plan for the operation of the outdoor eating area and must be used for the continuing operation of your facility.** It was noted by the neighborhood that the previous owner/operator serviced the portable toilets between 2:00 a.m. and 4:00 a.m. Please instruct your portable toilet provider to refrain from servicing these facilities at late hours. The recently approved City-wide sound-noise regulation ordinance prohibits the collection of refuse with a collection truck between 10:00 p.m. and 6:00 a.m. within 200-feet of any residential zoned district. This applies to truck placement and collection of portable toilets.

In addition to those conditions, the City developed some uniform conditions which apply to all outdoor

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areas that operate on football game days. Those conditions were delineated in a June 1, 1998 letter to James Luedtke and are listed as the following:

1. **HOURS OF OPERATION**

For University of Wisconsin, or Green Bay Packer afternoon football games the outdoor eating area shall be open no later than 8 p.m. For games with kick-off after 5 p.m. the outdoor area shall be open no later than 10 p.m.

2. **OUTDOOR MUSIC**

Outdoor live or amplified music or sound shall not be permitted before 10:00 a.m. and shall be allowed only if already specifically approved by the Plan Commission at the time of granting your original conditional use permit. This is one of the biggest issues for nearby residents. Please try to keep music volume at a reasonable level. The City will be applying the decibel level limitations in the provisions of the noise ordinance if complaints are received regarding the operation of any outdoor facility that has music or amplified sound (copy attached). The current Madison General Ordinances prohibit noise levels within outdoor eating areas above 65 dba. A copy of the City's noise ordinance is attached. **If complaints are received that are found to exceed this level, we will schedule a new public hearing before the Plan Commission which may result in the modification or revocation of your conditional use permit.**

3. **FENCE ENCLOSURE, SECURITY GUARDS, LITTER CONTROL AND PORTABLE TOILETS**

If you have a license to sell alcohol in an outdoor eating area, the Alcohol License Review Committee has established conditions for operation for these applications that involve fencing, security guards, toilet facilities, litter, etc. All businesses that sell alcohol must comply with the requirements imposed by the Alcohol License Review Committee at the time of issuance of your original application to expand or change your licensed premises to include the outdoor eating area.

4. **STADIUM CONCERTS**

If you open the outdoor eating area for any proposed stadium concerts (U2, Rolling Stones, etc.) the outdoor eating area shall close no later than 1 hour after the start of the concert and remain closed for the evening.

All of these standards and conditions are in addition to any applied by the Alcohol License Review Committee. These standards and conditions are enforced by the Zoning Administrator and the Plan Commission under the Plan Commission's continuing jurisdiction of conditional uses. One of the purposes for this "continuing jurisdiction is to resolve complaints against previously approved conditional uses.

The Plan Commission is expecting that Zoning staff will closely monitor the management and operation of this tavern under your ownership and management to ensure that the above standards are complied with. It is staff's intent to monitor the operation of your outdoor seating area on UW home football days and provide the results of these inspections to the Plan Commission and neighborhood association. The Plan Commission will consider this matter following the first home football game and may, at that time, and could conclude that the conditional use standards are no longer being satisfactorily met and may reopen the conditional use permit for the purpose of applying additional standards and limitations on this outdoor eating area. We are hoping that this is not necessary.

It is very important that you share this letter with any managers, operators or staff of your business to

ensure that they clearly understand the conditions of approval applicable to this outdoor eating area.

Finally, after two pages of warnings and rules, I would like to welcome you and your partners as the new owners, wish you the best of luck and offer our assistance if you have questions. Please feel free to contact me or Bill Roberts at 266-4635.

Sincerely,

Bradley J. Murphy, Planning Unit Director

C: Attorney Michael May
Mark A. Olinger, Director, Department of Planning and Development
Bill Roberts, Planner IV
Ald. Heidt
Noble Wray, Police Chief
Julie Kerr, Vilas Neighborhood Association

Firchow, Kevin

Subject: FW: Letter to Plan Commission

From: Tom Beach [mailto:tbeach@charterinternet.com]

Sent: Monday, January 26, 2009 12:44 PM

Cc: Murphy, Brad; Plant, Joel; Susan Schmitz

Subject: Letter to Plan Commission

Dear Plan Commission Member:

Late on Friday, we received a letter from the Vilas Neighborhood Association commenting on today's Plan Commission hearing regarding the Stadium Bar. While we will be present at the hearing and will offer testimony, we felt that the Neighborhood Association letter was so defamatory and inflammatory as to warrant a written response.

We have now spent almost a year dealing with this matter. While we will admit to not being perfect, we believe we run a pretty good business where people who participate in events at Camp Randall Stadium can enjoy a nice, safe environment. We actually believe that we are one of those special and nice parts of Madison that many generations of Madisonians and visitors to Madison have enjoyed as a tradition both on football Saturdays and on days when special events are taking place at Camp Randall. We believe that people not only enjoy coming to our establishment, they also enjoy being outside on a beautiful spring or fall day. Our beer garden offers that opportunity.

About a year ago, an attempt was made to prevent our establishment from having our beer garden open on days when there are "special events," other than UW football games, at Camp Randall. The alderperson in our district decided that, since not all of the establishments in the area have the right to have beer gardens open for "special events" other than UW football games, the Stadium Bar should have that right taken away, even though we have an amended conditional use permit which clearly states that we have the right to have our beer garden open for such events.

The special events that the Stadium Bar has, since receiving its amended conditional use permit in 1994, opened up its beer garden for include the Spring football game, the WIAA high school football championships, the Crazy Leg run as well as other special events at Camp Randall. As we will explain this evening, these are not unruly events lasting into all hours of the morning; rather, these are family oriented activities where people are allowed to enjoy a beautiful Madison day with a beer and a brat. We truly believe that we are not disturbing anyone by holding these events.

We are not looking to further prolong the agony we have gone through over the past year in dealing with this issue. Rather, we have worked closely with city staff to resolve the concerns that staff has raised. We have also, in the spirit of cooperation and compromise, agreed that we would be willing to limit what constitutes a "special event" and we would even shrink the size of our beer garden for events other than UW football games and outdoor Camp Randall concerts. We are not waiving any of our rights but, for the good of all, are open to compromise.

We would appreciate your support this evening. We want everyone to understand, however, that while we will cooperate and compromise, we will not let anyone impugn either our personal reputations or that of our very well-run business, and its loyal employees and guests.

Thank you.

Tom Beach

**Uno Chicago Grill
The Stadium Sports Bar and Eatery**

Admin Offices

612 W. Main Street, Suite 301

Madison WI 53703

608-255-0605 ext. 12

608-255-2608 fax

Murphy, Brad

From: Brian Solomon [briansolomon@charter.net]
Sent: Monday, January 26, 2009 4:00 PM
To: Murphy, Brad
Cc: Kerr, Julia; Webber, Robbie
Subject: Stadium Bar / Plan Commission

Brad, greetings. I know this is on the agenda tonight at Plan Commission. I know Julia will express some concerns and believe Vilas residents will be present as well. Perhaps DMNA residents, but I'm not sure. Anyway, I do have a number of concerns about this proposal. The main one has less to do with the Stadium Bar and more to do with the precedent it might set for other Regent St establishments to expand their beer garden operations. If that were to happen, I'd have several major concerns:

- Costs to the city. Obviously, beer gardens consistently translate to the need for additional police presence and overtime.
- Impacts on neighborhoods. Vilas specifically, but DMNA and Regent neighborhoods to a lesser extent, have expressed strong concerns with the impact of beer gardens on adjacent neighborhoods. Any expansion in frequency could have some big impacts on the neighborhoods.

I just wanted to convey my concerns to you, Julia, and Robbie. I'm hoping the Plan Commission will re-refer this item so more discussion can be had about how costs will be covered (by the businesses perhaps?), how dates will be clearly defined and limited, how clear walls can be drawn so as to not open things too much for precedent, and, finally, how we can minimize impacts on neighborhoods.

Thanks everyone, Brian

City of Madison

Date 9-20-94

TO ZONING ADMINISTRATOR:

The undersigned owner (contract owner) of property herein described hereby applies for approval to make minor alterations to an existing conditional use.

(1) Location of Property:
Street Address 1419 Monroe St Ald. District 10

(2) Legal Description of Property:

(3) Existing Conditional Use:

(4) Proposed Alteration (Describe):
Utilize entire property (including parking area) for outside eating & drinking for special events at Camp Randall

(5) Zoning District:

This application must be accompanied by two (2) sets of construction and plot plans indicating the proposed alteration.

Section 28.12(10)(h)2. states: "No alteration of a conditional use shall be permitted unless approved by the City Plan Commission provided; however, the Zoning Administrator may issue permits for minor alterations or additions which are approved by the Plan Director and are compatible with the concept approved by the City Plan Commission and the standards in Section 28.12(10)(g).

Respectfully submitted,

Name _____

Address _____

Telephone No. _____

ZONING ADMINISTRATOR'S COMMENTS:

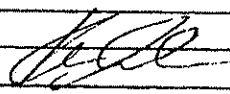
Occupancy Certificate Status ISSUED

Outstanding Orders NONE

Conditions of approval met OK

Comptability of proposed alteration with concept approved by Plan Commission
OK

Compatibility of proposed alteration with standards of 28.12(10)(g)
OK. Recommend approval D.C. Curran

Alderman's Recommendation OK Rec approval 

TRAFFIC ENGINEER'S COMMENTS:

Approved according to 28.12(10)(h)2. Bradley J. Murphy 9/22/94
Director of Planning and Development Date

Disapproved - refer to Plan Comm. _____
Director of Planning and Development Date