

**Parks, Timothy**

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**From:** Kyna Ganshert [kenyabi@yahoo.com]  
**Sent:** Monday, September 17, 2007 1:44 PM  
**To:** Parks, Timothy  
**Subject:** Public Hearing in regards to "alteration to PUD" for 804 Williamson St.

Dear Tim Parks & others concerned,

In regards to the public hearing for the approval of "an alteration to the Planned Unit Development" for property at 804 Williamson Street, I wanted to voice my concerns regarding the permitted use of outdoor dining for MoCo Market, as I am unable to attend this meeting due to a work commitment and the last minute notice of the meeting upon my return from vacation.

The use of MoCo Market's outdoor patio for dining has always been a noise issue for me. After initially meeting with Megan Ramey at our condo association meeting it was my understanding that Megan Ramey was considering methods of addressing this issue, but as of today's date I have not heard or seen further action or planning in regards to this issue. While this may be due to the fact that she has yet to receive approval for the patio usage, I find that the inability to address the additional noise that would be caused by outdoor diners below the residential units has led to my concern and disapproval of its use.

I find that restrictions and/or other preliminary measures are necessary to allow commercial usage of the courtyard for outdoor dining in order to address the noise issue for myself & perhaps other residents that may be effected. I believe that one or more measures, such as the following, may be necessary in order to ensure the comfort of myself and future residents:

use of soundproofing materials (i.e. shrubbery, awning installation, etc.)

restricted usage (i.e. 9 am - 9 pm)

designating a preliminary period of usage of the patio for outdoor dining, after which any outstanding noise issues would be reviewed and if necessary resolved or if unable to be resolved usage would be revoked.

When the condominium association voted to approve the use of the patio for outdoor dining, I attempted to make my approval contingent upon installment of soundproofing measures in order to avoid additional noise disturbances. However, it was decided that I was unable to include that contingency, so my vote was against the use.

While at that point I was only protecting myself from the potential noise, I find that as of today's date I only have further evidence of current noise disturbances from the courtyard and can only determine that they would grow exponentially upon commercial usage.

I have already been woken by several conversations on the patio, snow shoveling, and just the noise of doors opening. I also have found that any noise above conversational level will carry as far as into my bathroom. Unfortunately, the noise issue seems to be due to the acoustic nature of the small courtyard area. For example, I heard a conversation about the MoCo market's TV commercial being broadcast on cable TV while brushing my teeth in my bathroom one morning.

I also like to keep my windows open in the summer and I find that due to that preference and close proximity to the courtyard I may be even more greatly effected by courtyard noises.

I find the current minor noises tolerable, but if additional noises are produced on a daily basis I believe that I and future residents will be very unhappy. Not only will noise produced by outdoor dining in the courtyard effect me but future homeowners as well. I would prefer not having to hear or compete with others conversations on a daily basis in my home and I believe I shouldn't have to.

My original hope was that we (residents) and MoCo market could peacefully coexist, however I have found myself coming to the conclusion that unless the current and potential additional noise issues are addressed, as I have previously stated above. I feel that I have no other option than to request that the allowance of outdoor dining for MoCo Market be denied.

While I value MoCo's business and welcome it to the neighborhood I find that the additional noise that would be caused by outdoor dining is too great of an issue and needs to be addressed before an approval can be made. So therefore I am writing to express my disapproval of the use of the outdoor courtyard patio at 804 Williamson St. for outdoor dining to customers of MoCo Market. However, it is my hope that an amicable resolution can be reached where the noise issue can be addressed and resolved by one or many means in order to ensure the comfort of current and future residents.

Sincerely,

Kyna Ganshert

Resident of 808 Williamson St. Unit #209 Madison, WI 53703

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**Murphy, Brad**

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**From:** Katie Evers [katiekristine3@yahoo.com]  
**Sent:** Monday, September 17, 2007 11:19 AM  
**To:** Parks, Timothy; Murphy, Brad  
**Subject:** RE: Plan Commission Meeting

Hello Tim and Brad,

I hope you do not mind me emailing you but I received your email addresses from David Bridgeford. I am emailing you in regarding to the Plan Commission meeting tonight. I really wish I could attend this meeting to discuss the how MOCO Market's patio affects me but I am unable to attend due to a prior engagement. I really hope the Commission will consider my email that was sent back on April 2, 2007 and the recent joint opposition that was submitted on August 28, 2007. When the patio is in use, it is very loud inside my condo, even with the windows shut... I can hear word-for-word of what people are saying. If MOCO Market is allowed to have food and alcohol out there, it will be quite bothersome to me, so I hope the Commission takes all of this into consideration.

Thank you so much for your time!!!

Katie Evers  
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Unit 210  
Madison, WI 53703  
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**Parks, Timothy**

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**From:** David Bridgeford [dbridgeford@mac.com]  
**Sent:** Friday, September 14, 2007 3:43 PM  
**To:** Megan Ramey  
**Cc:** Murphy, Brad; Parks, Timothy  
**Subject:** Proposed Resolution of Ownership Dispute and Land Use Issues at 804 Williamson St.  
(Moco Market)

Hello Megan,

I would agree to withdraw my opposition to your application and support it if you would agree to the following conditions of use.

Sincerely,

David Bridgeford.

Approval of the alterations to the PUD-SIP is conditioned on the following:

- a. Permission to use the patio for an outdoor commercial eating and drinking area expires when Moco Market transfers the property by any means (sale, change in principal ownership, foreclosure et cet); permission for outdoor commercial eating and drinking on the patio will not be allowed for any future owner.
- b. No animals will be allowed on the patio except for those required by law;
- c. A large sound absorbent awning will be installed which covers the entire patio; this awning will be required to be in use when the patio is open for business;
- d. No live or recorded music on the patio will be allowed;
- e. Business hours will be limited to those described in the Land Use Application;
- f. Alcohol consumption or smoking will not be allowed on the patio.

The Plan Commission will have continuing jurisdiction to enforce these conditions in the same manner as its "Conditional Use" jurisdiction. The Plan Commission may also consider any of the 11 standards for the granting of a "Conditional Use" in its continuing jurisdiction over the use of the patio for outdoor eating and drinking. (These standards are found at Section 28.12(11)(g) of the Madison Zoning Code.)