

1602 Gilson
Street

To: Plan Commission
From: Bay Creek Neighborhood Association
Re: Proposed Funk Factory Expansion
Date: March 29, 2018

BCNA's Planning & Economic Development Committee and the Funk Factory's nearby Bay Creek neighbors met four times with Amanda Funk to discuss neighbors' concerns about the proposed new patios. After the second discussion on February 18th, neighbors were satisfied that we had come up with mutually acceptable solutions regarding the proposed outdoor seating areas. We appreciate the Funks' willingness to meet, however there are still major neighborhood concerns not addressed in the CUP application.

The Funk Factory Taproom is currently open 3-1/2 days a week: Thursday 3-10 PM, Friday 3PM-12AM, Saturday 11AM-12AM, and Sunday 11AM-7PM. The CUP application specifies an increase in these hours to 10 AM – 12 AM seven days a week, more than doubling them from 37 to 84 hours per week. The proposed back patio doubles the accepted occupancy or people who can frequent the Funk Factory at one time from approximately 40 to 80.

Relevant Information about the Community & Standards re Conditional Use

With the exception of the Funk Factory and a few low-traffic businesses on Gilson Street, the triangle bounded by Gilson, Beld, and Pine is a low-density, remote residential area. With Wingra Creek to the south, railroad tracks to the east, and Park Street to the west, near neighbors live in close proximity to one another in modest and often un-air-conditioned homes. In fact, **the Funk Factory's closest residential neighbors are located 25 feet from their proposed front patio and 70 feet from their proposed sound stage.** All of the parking for Funk Factory patrons is on narrow, otherwise unfrequented streets.

The Funk Factory has already brought change to the lives of the neighbors along Gilson and the tree streets and many neighbors appreciate the positive impact the Funk Factory has had on its block. However, **neighbors are currently inconvenienced by the noise and parking congestion caused by Funk Factory patrons.** Neighbors believe that **the proposed expansion of the Funk Factory may add to these negative impacts considerably.**

Wood Smoke Concerns

The proposed wood fire pit would be located in the west alley patio, which is inside an area bordered by the apartment building west of the alley and the Funk Factory to the east. This will likely create downdraft issues, and wood smoke will linger near ground level and/or drift onto nearby properties as well as into the second-floor rental apartment units immediately adjacent.

Proposed Solution: Neighbors oppose any fire pit as a way of avoiding smoke. On February 19, 2018, and Amanda Funk agreed that the Funk Factory would not install any fire pits or would consider gas fire pits, but instead a single wood fire pit is included in the CUP application.

Justification: Neighbors on surrounding streets have dealt with smoke-related challenges with neighbors who have single fire pits in their yards. In our experience, an outdoor fire creates a smoky experience for all.

- Wood-burning fire pits are not good for air quality and can be intolerable for those with respiratory ailments.
- Fire pits present a human danger if not constantly monitored.
- **In a survey sent to near neighbors (with advice of Gary Green, professor of Community & Environmental Sociology at UW-Madison), 67% of respondents did not want the Funk Factory to install any fire pit, and 44% thought the fire pit would have a negative impact on the uses and enjoyments of their property.**
- The fire pit included in the application will cause risks to the welfare of neighbors and compromise their enjoyment of their properties.

Noise Concerns

The application specifies up to 4 outdoor amplified events per year, or about one per month during the summer. It bears repeating that the proposed sound stage is 70 feet to the closest home owner and right under the windows of apartments that border the rear patio. The front patio area is a mere 25 feet from the closest neighbor's property. We strongly disagree with the statement that "based on the building shape and direction of the amplified sound (faces other commercial properties), [the Funk Factory] will not have an issue with noise for nearby residences." There is further the issue of the noise from conversations on the front patio. Many nearby neighbors have young children and patio noise may impede their ability to put their children to bed on time. The CUP application does not include any sound-dampening features, such as patio plants front and back and a sound barrier in the back alley.

Proposed Solution: Neighbors believe that noise from the Funk Factory will have a negative impact on neighbors' enjoyment of their yards and their sleep. Neighbors negotiated with the Funks to reduce the maximum number of amplified musical events from 8 to 4; however, **after conducting the survey of near neighbors, we are proposing only 0 to 1 amplified event per year.**

Neighbors propose a 9PM closing time for the patios and stage nightly.

Neighbors propose the installation of an appropriate privacy, sound-dampening barrier for the back patio to separate it visually from their properties, with the inclusion of green elements to further dampen sound. They propose the inclusion of green elements as part of the front patio to mark it off and dampen the sound of conversations as well.

Any use of the patios for other than the possible one amplified event should be acoustic in nature.

Justification: Neighbors on the surrounding residential streets are already experiencing noise from Funk Factory patrons hanging out on the street and heading to their cars as well as from bottling equipment located on premises. Doubling the present number of hours and patrons will increase this problem.

- **67% of neighbors believe that the amplified events will have a negative impact on the uses and enjoyments of their property**
- **70% of survey respondents would like to see fewer than 4 events a year, with the largest group preferring zero events at (35%) and the second largest group preferring one event (29%).**
- **A majority of survey respondents would like to see the patios closed earlier than the proposed 10 PM, with 33% of survey respondents supportive of patios closing at 9 and 39% even earlier.**

Parking Concerns

Neighbors on the surrounding residential streets already report being parked into their driveways by Funk Factory patrons who ignore parking rules. The addition of the Funk Factory patios with its doubling of the potential number of patrons will intensify traffic and parking issues in the neighborhood.

Proposed Solution: We have requested and the Funks have agreed to post **eye-catching signs near the Funk Factory's doors, on its patios, and in its bathrooms to remind patrons that they are in a residential neighborhood and that they must be "good neighbors."**

We would like **permanent city parking signs posted along our streets** to remind drivers/patrons of the Funk Factory that cars must park 4 feet from the edge of a driveway by city law.

Justification: With the addition of the Funk Factory to our neighborhood, on-street parking has become an issue along the tree streets, with neighbors finding patrons' cars blocking their driveways and being disturbed by their car alarms in the evenings. We did not include a question about parking concerns in our survey.

Summary/Conclusions

Our survey showed that neighbors believe that overall the patio as proposed would have a negative impact on the uses, values, and enjoyment of their properties:

1. Most near neighbors do not want the Funk Factory to install a wood-burning fire pit.
2. Most near neighbors do not want the Funk Factory to host 4 amplified events per year.
3. Most near neighbors do not want the Funk Factory's patios to stay open past 9PM, and some would prefer the patios to close prior to 9PM.

BCNA would like to support the Funk Factory's proposed expansion. We believe in supporting new businesses and making room for them in our community. However, **we do not support taking a wait-and-see approach about the impacts of the patios on neighbors. The details of the Funk Factory's patios and the standards of approval that apply to it are still in very much in flux.**

Given neighbors' concerns about the noise pollution resulting from the sound stage and patios and the air pollution resulting from the fire pits, **BCNA concludes that the proposed patios as described would have a negative impact on neighbors' uses, values, and enjoyment of their properties and in some cases could compromise their welfare. We thus regretfully oppose the patios as proposed and urge a referral on this CUP application until there is more solid information to go on in. We are open to reconsidering the patios once this occurs.**

In the meantime, we propose inclusion of the following modifications to be included in the CUP application to be considered at a later date in order to respect the location of the patios in a residential neighborhood:

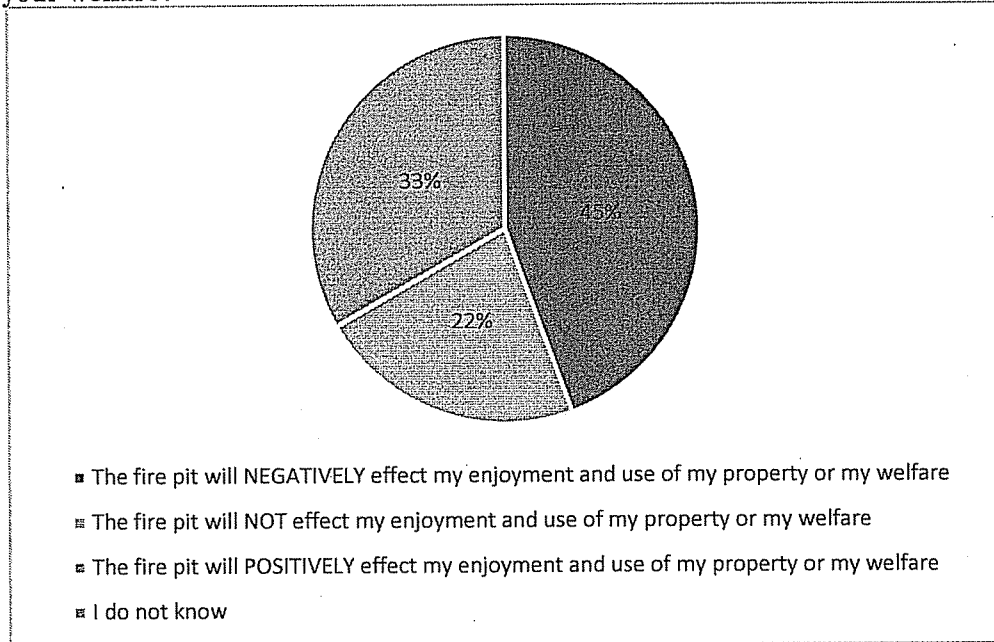
1. The Funk Factory taproom will be open from 10 AM until 9 PM or earlier seven days a week.
2. All patio and stage use will end at 9 PM or earlier.
3. There will be 0 to 1f amplified events per year and the date of any event will be publicized at least one month in advance.
4. The sound level for outdoor events, should they occur, will not exceed a reasonable noise level (proposed: 70 decibels, the sound level of a barking dog or busy street traffic). The city will set guidelines for methods, location, and frequency of measuring compliance.
5. Weekday and weekend use of the stage, with the exception of any approved event, will be acoustic.
6. There will be privacy fencing around the back patio and barrier fencing included with the front patio.
7. The patios will incorporate sound-dampening elements, including green elements.
8. There will be no wood-burning fire pits.
9. The Funk Factory will post signs near its doors, on its patios, and in its restrooms to remind patrons to be good neighbors by abiding by rules to park 4 feet from driveways and not to be as quiet as possible when parking.
10. The City will place parking signs along surrounding streets, if not in 2018 then as soon as possible.

1602 Gilson

BAY CREEK NEIGHBORHOOD ASSOCIATION PLANNING & ECONOMIC DEVELOPMENT COMMITTEE (P&ED) Funk Factory Patio Expansion Survey Results

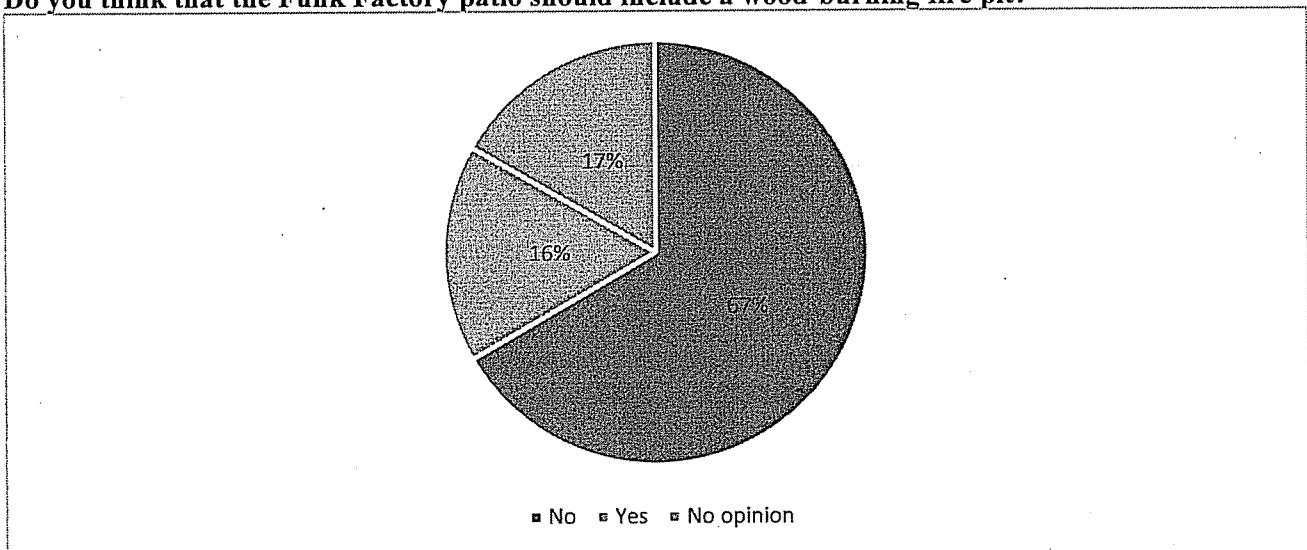
P&ED conducted a survey of Funk Factory's nearby neighbors' opinions regarding the Funk Factory's CUP application for patio expansion. The survey was open from March 23, 2018 to March 28, 2018 and 18 neighbors participated. There are approximately 60 households in the targeted area, and the survey request was sent to neighbors who previously attended neighborhood meetings on the expansion. Below is a summary of the responses.

1. Do you believe the proposed wood-burning fire pit will have an impact on the enjoyment and use of your property or your welfare?



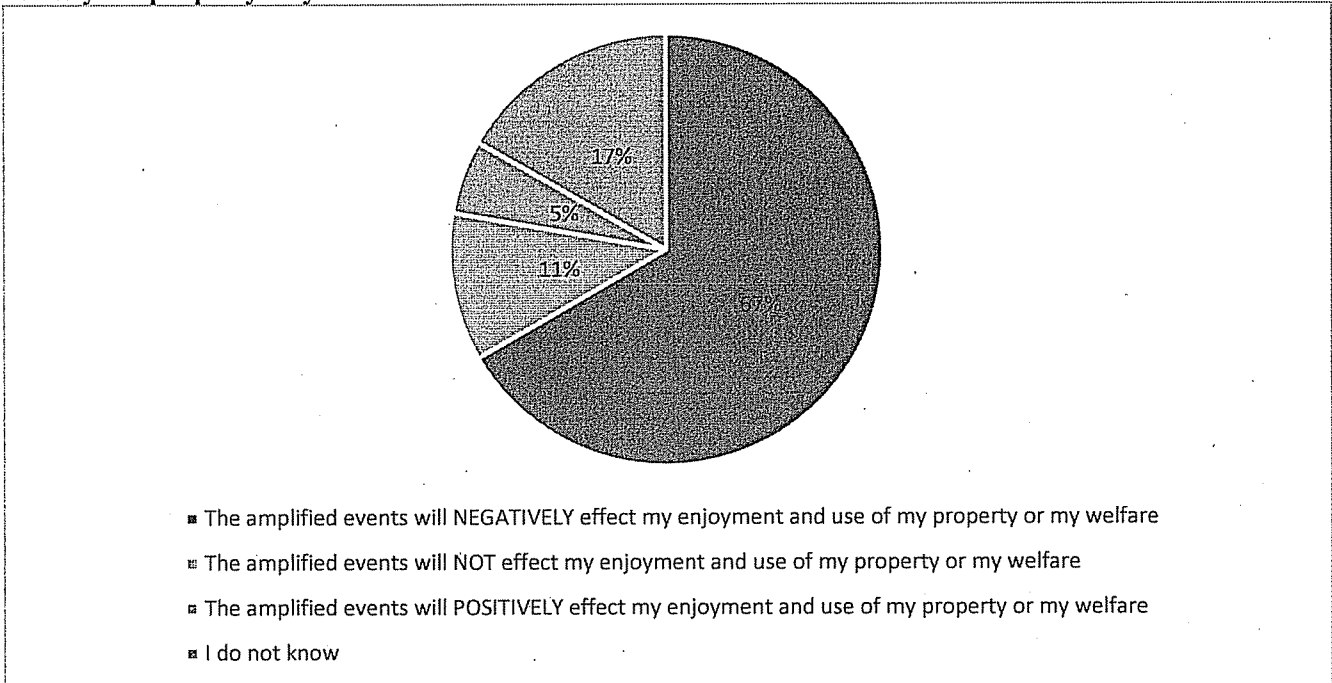
The majority of near neighbors believe the fire pit will have a negative effect on the enjoyment and use of their property.

2. Do you think that the Funk Factory patio should include a wood-burning fire pit?



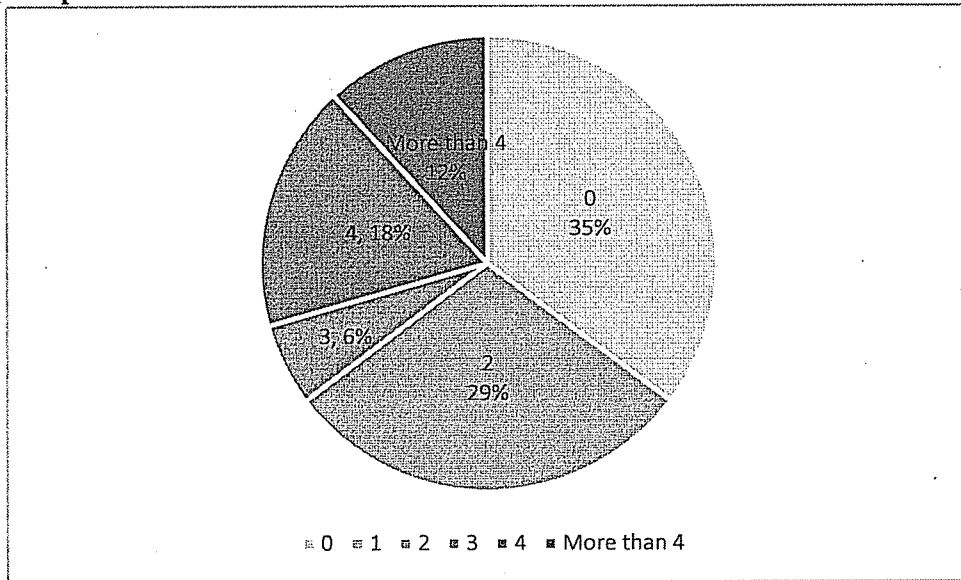
The majority of near neighbors do not think the Funk Factory should not include a wood-burning fire pit on the patio.

3. Do you believe that the proposed 4 amplified events per year will have an impact on the enjoyment and use of your property or your welfare?



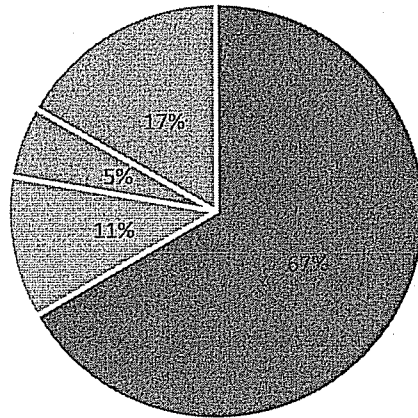
The majority of near neighbors believe that 4 amplified events will have a negative effect on the enjoyment and use of their property.

4. How many amplified events per year do you think the Funk Factory should host on the sound stage of its proposed back patio?



The majority of near neighbors would prefer zero or 2 amplified events per year.

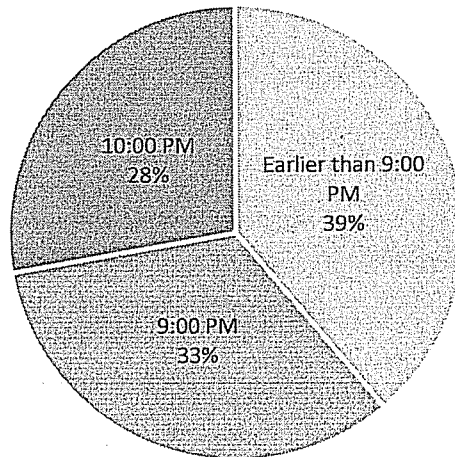
5. Do you believe the Funk Factory's proposed extended hours (10am - midnight daily) will have an impact on the enjoyment and use of your property or your welfare?



- The the expanded hours will NEGATIVELY effect my enjoyment and use of my property or my welfare
- The expanded hours will NOT EFFECT my enjoyment and use of my property or my welfare
- The expanded hours will POSITIVELY effect my enjoyment and use of my property or my welfare
- I do not know

The majority of near neighbors believe that the Funk Factory's proposed hours in the CUP will have a negative effect on the enjoyment and use of their property

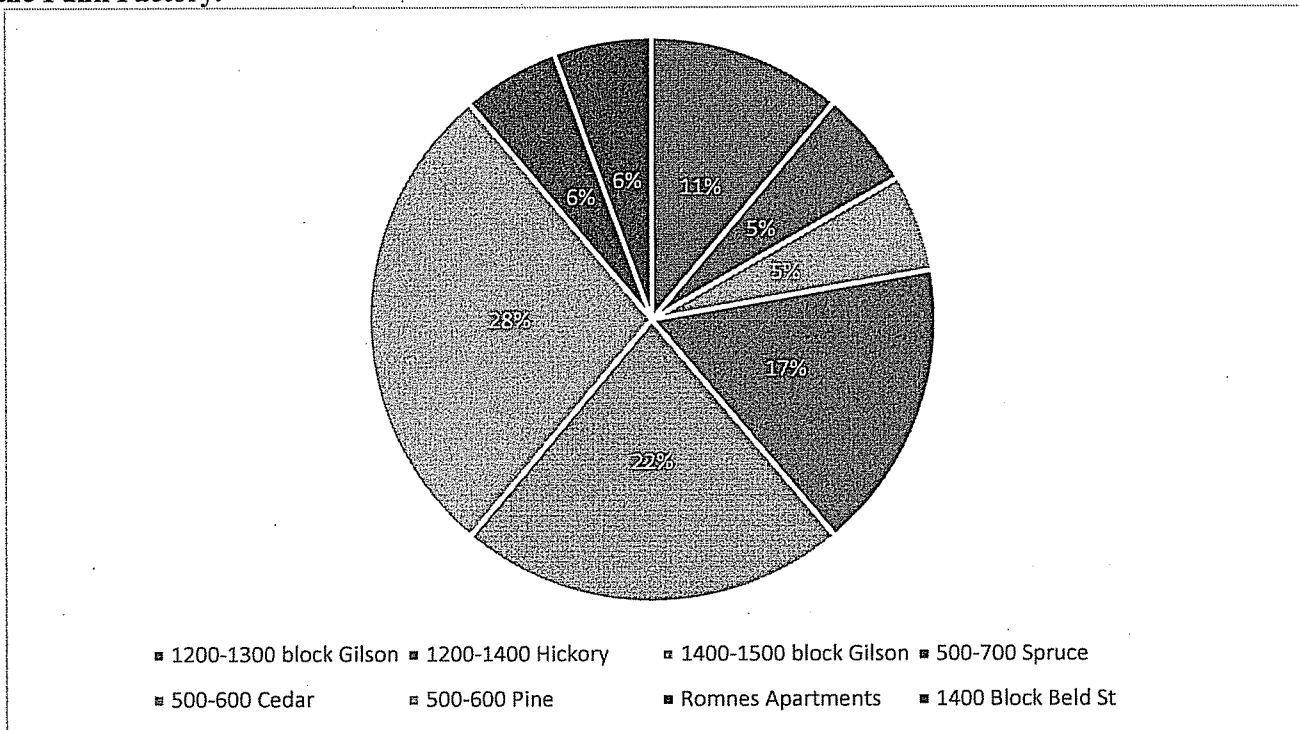
6. If extended hours are approved by the city, when do you think the Funk Factory patios should close?



- Earlier than 9:00 PM
- 9:00 PM
- 10:00 PM
- 11:00 PM
- Midnight

The majority of near neighbors would like to see the Funk Factory close earlier than 9PM. No respondents were supportive of Funk Factory staying open later than 10PM

Please select which block you live on to verify for the Plan Commission that you are a near neighbor of the Funk Factory.



All, but one of the survey respondents live within three blocks of the Funk Factory. One respondent lives at Romnes apartments, which is four blocks away.

SUMMARY/ANALYSIS:

Three major points emerge from this survey:

1. Near neighbors do not want the Funk Factory to install a wood-burning fire pit.
2. Near neighbors do not want the Funk Factory to host 4 or more amplified events in a year.
3. Near neighbors do not want the Funk Factory's patios to stay open past 10PM, and most would prefer the patios to close prior to 9PM.

Comments Verbatim

1. Their expansion is a great addition to our neighborhood!
2. I would like to see this area remain residential and not commercial with a bunch of drunks rolling through and drunk drivers, we have enough of that on Park Street.
3. My property at 1502 Gilson st is right next door to funk factory across the alley. We are currently experiencing increased traffic on Gilson along with people parking to close to driveways and littering. There are studies that report that noise pollution increases the risk of stroke and heart disease especially in seniors {Dr wen qi gan and Danish study involving over 51000 subjects show increase in strokes for baby boomers with 10 decibel increase in sound. I'm currently annoyed by sound from labor temple and alliant center, and they now want to put this health risk in my back yard. It should also be noted that unabated noise has a detrimental effect on property values.
4. I love this place and would enjoy a patio open with limited hours (close at 9pm). But, amplified music would be too loud for neighbors who live near there. How/where are the speakers proposed to point toward (southeastern? away from the tree streets?) If so, has anyone notified the Burr Oaks neighborhood to the south of this section of Gilson? There are quite a few houses located just on the other side of the creek from this site. Noise and wood smoke travel beyond neighborhood borders, and traffic/parking will affect them (locally on Gilson, and Beld street) too.
5. 1. Acoustic music only! This is a residential area. The Funks are good neighbors, but they chose a bad spot if they want to have amplified music. Acoustic until 9pm on Thu-Sat is OK, amplified music is way too loud. Most folks in our area are of modest means. I don't have air-conditioning

and rely on open windows at night to cool my house. Amplified music, and the people shouting to have conversations over it, is very disruptive. (allowing the music to take place at a certain decibel level does not take into account conversations/laughter/singing that will be occurring).

Funk F G. is a great place, the owners have been cooperating with neighbors, but they must maintain patio rules that should be strictly enforced. We need to respect the needs of neighbors who live close-by- amplified music is not a good idea. I know several musicians in the neighborhood who would love to play there acoustically. The Lakeside St Coffee is a good model- they do well with their acoustic music venue, Funk F G's could follow similar rules.

2. The outdoor patio should completely close, including no smokers allowed, by 9pm (even if there is music or not, sound/conversations carry).

3. The food cart needs to close by 9pm.

4. Wood smoke is not just a 'nuisance', it is an allergen and poses a health risk. An open wood pit is also a legal risk. Is there going to be a responsible person maintaining the open fire? Patrons are drinking alcohol, what if someone falls in? The Funks could get a propane fireplace similar to the one at (what was) Sprechers. Those are safe and won't cause asthma attacks.

6. Hours should end by 9pm Sun-Thursday. There are PLENTY of places for Madisonians/suburbians to enjoy beers after 10 or 11pm elsewhere (hit up Park street!) where they won't be as disruptive to families living near the Funk F G. The Funk's knew this was a residential area when they chose their location. We haven't changed! Speaking for myself, I really appreciate them and enjoy going to the taproom. I LOVE the idea of a patio to sit outside enjoy a beer, but No Amplified Music (or firepit, or longer hours into the night) necessary!

7. I support a patio. However, the proposed increase in hours of operation, firepit, and amplified music will cause an increase in traffic, noise, along with inherent risks of alcohol and woodsmoke, and will adversely affect neighbors of the Funk F G.

6. I oppose any outdoor patio or amplified music because the applause/cheering/hollering will be annoying and disrupt our sleep, the smoke from the fire pit will affect my health and breathing, the trash from the patrons will litter the street more than it already does. With the proximity of the Funk Factory to my residential neighborhood the effects of the noise pollution will be extremely high.

I believe the frequency of music and of fires will end up being higher than what they are proposing. Funk has proved this pattern of bait and switch before by starting off as a solely a factory, then increasing to a tap room with minimum hours, now a bar/music venue with hours 7 days/wk. Soon I expect they will push for closing at bar time. I strongly oppose any patio, any outdoor amplified music and any fire pit.

Our neighborhood is already saturated with outdoor amplified music events (all at Alliant, all at Labor Temple, some from Monona Terrace, some from Olin Park), adding an additional outdoor music venue will make this neighborhood unbearable for those who don't like amplified music.

7. Midnight is definitely too late for week nights. I think outdoor patios should close by 8:00 pm on week nights, since the noise is disturbing to the children's bedtime and also upsetting to pets. Also, parking has been a problem in the neighborhood when they host large events. This would especially be a problem during alternate side parking months. Amplified events should be no more than the current number of 4 times per year at most and should be required to only be scheduled on Friday or Saturday night.
8. It is very difficult to assess the impacts on our residential neighborhood by the addition of the Funk business. It's current form caused a lot of disruption at its opening with crowds, parking, etc. The operation calmed down to its present level but these enhancements - patio, fire pit, amplified music, etc. - could bring back the initial disruptions and bring them to an even higher level and on a daily basis. Ours is a quiet and peaceful neighborhood NOT an entertainment district. A 'neighborhood pub' would be very acceptable but recreating the Memorial Union Terrace seems to be more of what these changes seem to be directed towards. I don't have a 'good feeling' about where these proposals are headed.
9. I think the outdoor activities could be compatible with our residential neighborhood if appropriate fencing and screening is added. The impact of outdoor wood fires needed to be tested. I think 3 events, spring, summer and fall, is plenty.
10. Neighbors have been willing to work with the Funk Factory to come up with an arrangement that allows for the business to expand and for neighbors to continue to enjoy their right to current uses and enjoyments of their residential properties. But working with the Funks, whose plan is still in flux, has been difficult. It is important to keep in mind that the land that the Funk Factory is on is assigned an LDR designation and that people live 25 feet from the front patio and 70 feet from the

sound stage--the apartment renters with 20 feet. Will the conversations taking place there be audible to neighbors who opt to keep their windows open in the warm weather? I think it will be impossible for us not to eavesdrop! Will we hear loud on-street conversations daily as people return to their cars a little tipsy? We already do and we already find ourselves blocked into our driveways by patrons at times. Have you ever tried to get somewhere on time when you get to your driveway to discover that you've been blocked in by people more interested in their beer than obeying rules? Yes, we can call parking and wait until they get there and tow the car, but this problem will only worsen when the patios allow for the FF to double their numbers served because they rely on on-street parking. The 4 amplified events will definitely be a disturbance for us, but we are willing to clear out for them with adequate notice. We remain concerned that the Funks will have the right to use their sound stage for acoustic events on a daily or weekly basis. Even acoustic music in this close proximity to neighbors will invade their privacy and the sanctity of their homes. We have children with early bedtimes and appeal to you to enforce an 8 PM patio closing time on school nights. What neighbors do not want to tolerate ever is the smoke from fire pits. We have had issues as a community with neighbors' backyard burns disturbing one another and we have worked hard to settle this amicably among ourselves. Why should the "new kid on the block" get to come in and ignore our preferences and change our rules? This is not a "bad" business. These are not bad business owners. We hear and believe the Funks when they say they love the neighborhood and want to contribute to its betterment. The issue is that the needs of the Funk Factory and their nearby, long-time residential neighbors just don't fit.

11. I live in Romnes Apartments, which is located on the north side of Olin Avenue between Hickory and Gilson Streets. We are within blocks of Funk Factory. I think it highly likely that my fellow residents and I would be adversely affected by excessively loud amplified outdoor music emanating from Funk Factory, as well as by the increased car and foot traffic an expansion of its hours will cause. I ask that outdoor patios close no later than 9:00pm and that there be no more than three outdoor amplified music events per year, with a reasonable decibel-level limit.