

**From:** [Nicholas Zabel](#)  
**To:** [Plan Commission Comments](#)  
**Cc:** [Lisa Himes](#); [Evan Christiansen](#); [Joe S](#); [Colin Dexter's Pub Madison](#); [Miranda Collins](#)  
**Date:** Monday, March 7, 2022 10:53:44 AM

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Hello,

Regarding the Streatery program , I am concerned about the change in the hours of operation. I see this causing us to limit seating at the times of most business. For example, on Fridays we are fortunate to have a Fish Fry that usually stays busy until 9/10pm and with the 9pm cut off for the patio, we would be doing last call out there at 8:30 leaving folks without a place to eat and/or wait. In a perfect world, last call at 9:30/10 and patio cleared by 10/10:30.

Thanks,



**Nicholas Zabel**

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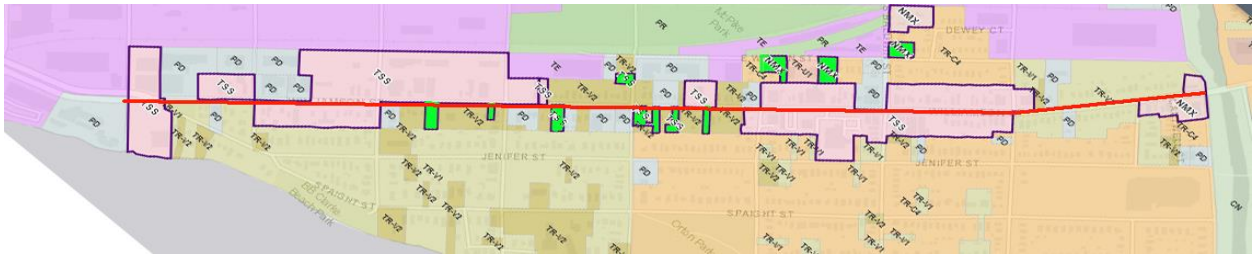
[DextersPubMadison.com](http://DextersPubMadison.com)

Plan Commission  
Meeting of March 7, 2022  
Agenda item #8, Legistar 69382

The Plan Commission has received a letter signed by 53 residents (and more residents wanting to sign after the letter was submitted). That letter provided examples of conditions that have been imposed by Plan Commission to help to mitigate outdoor eating area conflicts with residential uses, conditions that go beyond closing time and an amplified sound prohibition.

I am writing to provide a few visuals to illustrate how TSS/NMX are integrated into residential areas. NMX and TSS zoning, and even some TE and CC-T zoning, consist of either little pockets set amongst residential uses or abut residential uses.

This zoning map of Williamson Street reflects how Williamson's TSS and NMX parcels abut residential uses, particularly on the south side. The bright green areas are single TSS or NMX parcels that are set in-between residential parcels.



This map of N Sherman Avenue shows how closely two NMX parcels with relatively large parking lots are set amongst residential parcels. Though these are not currently used as food and beverage establishments, one cannot say what will happen 1, 5 or 10 years into the future.



ALRC records reflect 83 applications for a Streatery extension of licensed premises (required under the Streatery program if alcohol is served, though enforcement was temporarily suspended in 2020). Since more than 70% of “food and beverage establishments” have an alcohol license, this should be fairly representative of establishments making use of the Streatery program.

Of those 83 applications, some establishments made more than one application (e.g., a second extension of premises), and some were located in areas zoned PD (which are not affected by the proposed ordinance) and two were in CC (which allows outdoor eating areas as a permitted use). Of the remainder, 38 were for sidewalk cafés or roadway cafes, which are also not affected by this ordinance (about two-thirds of those were downtown).

Less than half of the extension of premises applications (31) were for expansion into parking lots or private sidewalk areas. One-third of these were in TSS and NMX districts located in Alder District 6 and Alder District 13. Two were in CC-T, three in TE, and five in DC/UMX.

Continuing conditional use approval for permanent outdoor eating areas, and making temporary outdoor eating areas subject to conditional use approval, at least in TSS and NMX districts, is not going to have a negative effect on a great number of establishments. Those establishments that wish to have a permanent outdoor eating area, or a temporary one, could submit an application by April 11<sup>th</sup> and come before Plan Commission on May 23<sup>rd</sup>. For those establishments that have used the Streatery program, they would be able to operate for most of the 2022 outdoor eating season, if approved.

Respectfully Submitted,  
Linda Lehnertz

From: Judith Strand <judith@bombaybicycle.org>  
Sent: Sunday, March 06, 2022 7:47 PM  
To: Plan Commission Comments <pccomments@cityofmadison.com>  
Cc: Benford, Brian <district6@cityofmadison.com>  
Subject: 69382 Retain conditional use process

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Commissioners,

I understand your enthusiasm for the Streatery Program. With 35 years living here, I see it has brought new vitality to downtown life that will serve the city well beyond the pandemic. Expanding dining to the sidewalks and roadways has created districts of nightlife that draw people to the city and increased a sense of safety for walking home at night. However, as the program moves out into the isthmus and into traditional residential neighborhoods of houses and small apartment buildings, its meaning is more checkered. Of great concern is the amendment to allow the expansion of outdoor eating and drinking on private lots without going through the conditional use process. That process has always been a critical opportunity for input into the placement, hours, and oversight responsibility of a new outdoor business. To lose the process treats all locations and neighboring properties as without differences. That is not good for anyone.

In 2020 and 2021, new activity on private lots popped up throughout the east side. People understood it was to save businesses. Indoor eating and drinking were not safe. People needed to be outside to do so. It made sense then. For those most directly affected, it was an unfair burden but the new patios were something to be endured during this crisis. I know some people did register complaints about noise (mainly calling dispatch), but many did not given it was a temporary problem — and that city police were very busy with the growing issues of racing cars, robberies, and gun shots. That willingness of residents to be silent and endure it then makes it hard to know what are “best practices.” Silence cannot be equated with applause.

The assumption for many was post-pandemic life would bring the opportunity for us to gain back some control of our lives, our neighborhood, and a little more peace in our homes. Your action is important for that now. If you ever experienced noisy neighbors or a rowdy campground, you can imagine what it is like if a space near your home becomes a place of daily spirited conversation and activity. Every day. Every night. Often only feet from your windows and backyard, your home ceases to be the refuge we all need at the end of the day. It ceases to be a retreat.

As you take steps to support businesses, please also take steps to support residential life on the isthmus. Keeping long term renters and home owners here - and with children to attend our public schools - must be a priority for city leaders too. The stressors are many. Right now more than ever we need to underscore the value of considering how our actions affect others. We need to check in with each other. To hear each other. To respect the other. We need the ethic of community to be honored. Your action to keep the conditional use process for patios on private property - whether temporary or permanent - in the residential neighborhoods (NMX and TSS) does this. Notice to others is required. It makes a

statement that residential life/mental health is seen too, and it is balanced with economic health. Both must come together so Madison progresses as a healthy city in all ways.

I urge you to retain the conditional use process for those requesting establishment of outdoor patios in the NMX and TSS zones. As in the past with this process, the good ideas will go forward. They will be enhanced by input and support from the neighbors. The time and city resources spent upfront will be rewarded in years ahead by as the city continues its commitment to having the right activity in the right place.

Thank you for our time.

Sincerely,  
Judith Strand  
745 Jenifer St.

**From:** Marsha Rummel [<mailto:marsha.rummel@gmail.com>]

**Sent:** Saturday, March 05, 2022 11:09 AM

**To:** [pccomments@cityofmadison.com](mailto:pccomments@cityofmadison.com); Brian Benford <[district6@cityofmadison.com](mailto:district6@cityofmadison.com)>; Ledell Zellers <[ledell.zellers@gmail.com](mailto:ledell.zellers@gmail.com)>

**Cc:** [msturm@cityofmadison.com](mailto:msturm@cityofmadison.com); Knepp, Eric <[EKnepp@cityofmadison.com](mailto:EKnepp@cityofmadison.com)>

**Subject:** Comments for 3/5/22 PC meeting

5. 70109 Authorizing the execution of a Lease with Cellco Partnership d/b/a Verizon Wireless, for premises at McPike Park located at 1130 E. Wilson Street. (6th AD)

8. 69382 Amending Chapter 28 to create an outdoor eating area, temporary, associated with a food and beverage establishment as a use category in Chapter 28, amending Tables 28D-2, 28E-2, 28F-1 and 28G-1 to include the new use category, and amending Subchapter 28J: Supplemental Regulations.

Hi Everyone-

RE #5: Please don't renew the lease for the cell tower at 1130 E Wilson in McPike Park. It is a once in a generation opportunity to make the land available for park use. I've been working on McPike Park (FKA Central Park) since c2006 and served on the city's Central Park Master Plan advisory committee. The former Sands property at Baldwin and E Wilson that the city was able to purchase a few years ago will eventually go through a Parks planning process to revisit the master plan. The master plan now calls for a commuter rail stop. Since a rail station is not going to happen, during my last term as alder, I urged Parks staff to incorporate some of the buildings to rehab for re-use (for example, use by the East Side Farmers Market). Early community planning for this area of the park imagined community gardens and a playground, and there is ongoing interest in a dog park. Incorporating the nearby land with the cell tower structure provides an opportunity to incorporate one or more of these additional community uses as we revisit the adopted plan for this section of the park. Help make McPike Park reach its best self!

RE #8. I added my name to the signed letter contained in public comments attachment #3. I want to highlight that the conditional use process facilitates communication between business owners and neighbors to establish expectations and agreements for outdoor patio/eating areas. It has been a positive community tool in my experience. Please continue the CU process in NMX and TSS zoning districts.

Thank you for your service!

Marsha Rummel  
1029 Spaight St