



**Project Address:** 1602 Gilson Street (13<sup>th</sup> Aldermanic District – Ald. Evers)  
**Application Type:** Conditional Use  
**Legistar File ID #** [92235](#)  
**Prepared By:** Colin Punt, AICP Planning Division  
Report includes comments from other City agencies, as noted.  
**Reviewed By:** Kevin Firchow, AICP, Principal Planner  
Meagan Tuttle, AICP Planning Division Director

**Summary**

**Applicant:** Adam Benedetto; Friends Applaud, LLC; 1602 Gilson St; Madison, WI 53705

**Owner:** Curt Roaming; 1602 Gilson St; Madison, WI 53705

**Requested Action:** Approval of conditional uses for a restaurant and an outdoor eating area open after 9 p.m. and with amplified sound within the TE (Traditional Residential) zoning district per §28.082(1) MGO.

**Proposal Summary:** The applicant is seeking to operate a restaurant with an outdoor eating area that includes amplified sound at an existing building at 1602 Gilson Street.

**Applicable Regulations & Standards:** §28.183 MGO provides the process for conditional uses. Supplemental regulations for outdoor eating areas are found in §28.151 MGO

**Review Required By:** Plan Commission

**Summary Recommendations:** The Planning Division recommends the following to the Plan Commission regarding 1602 Gilson Street:

- That the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use for a restaurant subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning on page 7.
- That if the Plan Commission can find that the standards for conditional uses are met, it should approve the conditional use for an outdoor eating area open after 9 p.m. and with amplified sound subject to input at the public hearing and the conditions recommended by the reviewing agencies beginning on page 8. However, in the alternative, should the Plan Commission find that the standards for approval are not met, the Plan Commission should provide its findings of fact and place the request on file without prejudice.

**Background Information**

**Parcel Location:** The subject site is a 16,512-square foot parcel located north and west of Gilson Street just east of its intersection with Beld Street. It is within Aldermanic District 13 (Ald. Evers) and the Madison Metropolitan School District.

**Existing Conditions and Land Use:** 1602 Gilson Street is currently developed with a single-story 3,555-square foot building constructed in 1947 and most recently used as a brewery and tasting room. The site is zoned TE (Traditional Employment district).

**Surrounding Land Uses and Zoning:**

North: Across the Gilson-Beld Alley, one- and two-unit residential buildings zoned TR-C2 and TR-C4;

East: Across Gilson Street, shops and commercial buildings, an equipment storage yard, and a single-family residence, all zoned TE;

South: Across Gilson Street, a warehouse zoned TE; and

West: A two-story mixed-use building zoned TE and a single-family residence zoned TR-C2.

**Adopted Land Use Plan:** The [Comprehensive Plan](#) (2023) recommends Low Residential for the site. The [Bay Creek Neighborhood Plan](#) (1991) identifies this site for community commercial uses. The [South Madison Plan](#) (2005) recommends transitioning the area from community commercial to medium-density residential.

**Zoning Summary:** The subject property is zoned TE (Traditional Employment District):

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	16,512 sq. ft.
Lot Width	50'	160.08'
Front Yard Setback	0' or 5'	5.6' existing front yard
Max. Front Yard Setback: TOD	20'	5.6' existing front yard
Side Yard Setback: Street side yard	0' or 5'	6.4' existing street side yard
Side Yard Setback: Other cases	None unless needed for access	2.2' existing north side yard
Rear Yard Setback	Lesser of 20% lot depth or 20'	10' existing rear yard
Maximum Lot Coverage	85%	<85%
Minimum Building Height: TOD	2 stories/22' measured to building cornice	1 story existing building
Maximum Building Height	5 stories/68'	1 story existing building

Site Design	Required	Proposed
Number Parking Stalls	No minimum required: TOD	None
Electric Vehicle Stalls	Not required	None
Accessible Stalls	Not required	None
Loading	Not required	None
Number Bike Parking Stalls	Restaurant: 5% of capacity of persons (2)	6 existing bike stalls
Landscaping and Screening	Not required	Existing landscaping
Lighting	Not required	Existing lighting
Building Form and Design	Not required	Existing building

<b>Other Critical Zoning Items</b>	Barrier Free (IIHR 69), Utility Easements, TOD Overlay
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*Table prepared by Jenny Kirchgatter, Assistant Zoning Administrator*

**Environmental Corridor Status:** The site is not within a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services.

**Project Description**

The applicant proposes to operate a restaurant called Friends Applaud in the existing building at 1602 Gilson Street and utilize the 3000-square foot rear courtyard enclosed by an 8-foot solid fence for outdoor dining. According to the letter of intent, the final anticipated hours of operation for the restaurant will be 10 a.m. to 12 a.m., though

the initial operation may have more limited hours. The letter of intent similarly suggests hours of occupancy for the rear outdoor eating area to be 10 a.m. to 12 a.m. as well. The applicant intends to host plays, spoken word events, and music on an outdoor stage in the rear outdoor eating area, utilizing the stage three or four nights per week. The applicant has re-used the approved seating and fencing plan from the previous conditional use approval at this site, but the stage location is not identified on the plan. The application materials state amplified sound would be planned between 11 a.m. and 9 p.m. on weekends, but that any outdoor amplified music would end by 8 p.m. on weekdays. Indoor amplified music would end by 11 p.m.

In addition to the large rear courtyard, the site also has a smaller outdoor eating area on Gilson Street near the Gilson-Beld alley. The front patio is enclosed by a three-foot tall black aluminum decorative fence. The letter of intent states that this front outdoor eating area would be occupied by diners between 10 a.m. and 8 p.m. and would not host any amplified sound. After 8 p.m. outdoor operations would shift to the larger rear courtyard.

If approved, the applicant intends to begin operation of the restaurant immediately upon condition verification and site plan approval.

## Analysis and Conclusion

This request is subject to the standards for conditional uses, as well as supplemental regulations for outdoor eating areas. This section begins with adopted plan recommendations before providing an analysis the conditional use standards, which includes a discussion of applicable supplemental regulations. It finishes with a review of public comment received and a conclusion.

### Consistency with Adopted Plans

The [Comprehensive Plan](#) (2023) recommends Low Residential for the site. The LR category includes predominantly single- and two-family housing types of up to two stories and 15 dwelling units per acre. A limited amount of nonresidential uses, including small-scale commercial uses, may also be located within residential categories and, due to their relatively small size are not always identified at the scale of the generalized future land use map. The [Bay Creek Neighborhood Plan](#) (1991) identifies this site for community commercial uses. Businesses on Gilson Street are also encouraged to screen parking and loading areas with vegetation or decorative fencing from the surrounding residential properties to enhance the aesthetic quality of the area. The [South Madison Plan](#) (2005) recommends transitioning the community commercial area along Gilson Street to medium-density residential development by 2025. Due to the variations in the recommendations in adopted plans, staff notes the difficulty of determining clear consistency with plans, but note that the approval standards for conditional uses states that the Commission must provide “due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan,” but that plan consistency in itself is not an approval standard.

### Conditional Use Standards

The applicant is requesting conditional use approvals for a restaurant and an outdoor eating area with amplified sound and operating past 9 p.m. within the TE (Traditional Residential) zoning district.

The conditional use approval standards state that the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, supplemental regulations, and finding that all of the conditional use standards of MGO §28.183(6) are met. Please note, recent changes to state

law requires that conditional use findings must be based on “substantial evidence” that directly pertains to each standard and not based on personal preference or speculation.

Section 28.183(6) of the Madison General Ordinance lists sixteen conditional use approval standards, of which not all are applicable to every conditional use. For this request, Standards 7-16 do not apply, while Standards 1-6 are applicable. Staff believe that the Plan Commission can find Standards 1-2, and 4-6 to be met, but provides the following analysis related to standard 3.

Conditional use approval standard 3 states, *“The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.”* Given the close proximity of the outdoor eating area to residential uses, finding this standard met is staff’s primary question. As noted above, the proposal includes two separate outdoor eating areas, one to the northeast of the building and the other to the southwest. The smaller northeastern area is proposed to be closed by 9:00 pm and would host no amplified sound. As such, the smaller outdoor eating area is a permitted use and all references to outdoor eating areas in this section pertain only to the larger space to the southwest of the building.

The concern regarding standard 3 relates to the proximity of the outdoor eating area to surrounding residential uses and whether allowing outdoor amplified sound can be found to meet the standard. The proposed outdoor eating area directly abuts a parcel zoned for employment (Traditional Employment district) and developed with a mixed-use building that includes one dwelling unit. The building sits approximately 12 feet from the property line and edge of the outdoor eating area. However, considering the size and shape of the rear patio area, the patio could be set up to increase the distance between amplified sound sources and the adjacent building.

Other residences that are zoned and planned for residential development are also nearby; the next closest residences, one a single-family residence zoned TR-C2 and the other a single-family residence zoned TE, are both approximately 115 feet from the nearest respective edge of the outdoor eating area. There are 35 dwelling units in 26 buildings within 500 feet of the center point of the outdoor eating area. In general, most residences surrounding 1602 Gilson Street are located to the north and the building occupying the site generally lies between the outdoor eating area and most of those residences. Only five of the residential units within 500 feet are located to the south or west of the property where the building does not enclose the outdoor eating area. Of the 59 parcels partially or wholly within 500 feet of the center point of the proposed outdoor eating area, 26 (44%) have no residential dwelling units, representing approximately 74% of land area within that radius. This calculation does not include rights of way or Wingra Creek.

Since 2015, there have been over 80 conditional use requests involving outdoor eating areas and/or outdoor amplified sound. There were approximately 13 applications in which outdoor sound was allowed, though a few properties allowed to have outdoor sound only for a limited set of specified events. However, in a majority of those applications (approximately 69) the applicant did not request or the Plan Commission approved with conditions prohibiting outdoor amplified sound, which was a common condition prior to 2022 code change. Prior to that change all outdoor eating areas were conditional uses, regardless of hours of operation or presence of amplified sound.

In summary, staff note the following applications that have some similarities to the current request:

- Legislative ID [50821](#) - The Plan Commission approved an outdoor eating area on the subject property (1602 Gilson Street) for Funk Factory, a brewery tasting room, which established hours of operation for the outdoor eating area between 10 a.m. to 9 p.m. Outdoor amplified sound was prohibited, except for

a condition allowing the applicant to have four (4) annual event dates in which outdoor amplified music could be used with hours extended to 10 p.m. on those days.

- Legislative ID [65479](#) - The Plan Commission approved amplified sound in an outdoor eating area and hours of operation beyond 9 p.m. was approved for the Villa Tap at 2302 Packers Avenue. In that case, the nearest residence was approximately 95 feet from the outdoor eating area across a small parking lot. The number of residences within 500 feet of the outdoor eating area was almost identical to that of the Gilson Street site. Conditions of that approval required outdoor amplified music to cease by 8 p.m. daily and allowed occupancy of the outdoor seating area until 10 p.m. daily. Staff notes that for this request, the adjacent residences are zoned SR-C2, a residential district, while the residence closest to 1602 Gilson Street is zoned TE, an employment district, as is one of the two other closest residences.
- Legislative ID [82730](#) - Mint Mark restaurant's outdoor eating area (located at 1874 East Washington Avenue) has seating for 40-60 patrons and is located at the south corner of six-story 290-unit mixed-use building. That approval permitted outdoor eating area operation and amplified music until 12 a.m. While there are dwelling units within the building in the floors immediately above the restaurant, the nearest off-site dwelling units were approximately 170 feet from that outdoor eating area.
- Legislative ID [91510](#) - Another similar and more recent request for amplified sound in an outdoor eating area for a tasting room at 2927 East Washington Avenue was recently placed on file without prejudice by the Plan Commission. The proposed outdoor eating area for that request directly abutted a property planned and zoned for residential development and was roughly 40 feet from the nearest dwelling unit. Other residences in the neighborhood that are zoned and planned for residential development are also nearby, similar to the neighborhood surrounding the proposed Friends Applaud restaurant. However, in the case of 2927 East Washington Avenue, there are 185 residential dwelling units in 29 buildings within 500 feet of the outdoor eating area and fewer than 22% of parcels within 500 feet have no residential dwelling units. Staff again notes that for this request, the adjacent residences are zoned TR-C4, a residential district, while the two of the three closest residences to 1602 Gilson Street, including the adjacent parcel, are zoned TE. Staff also note that like the subject property, the outdoor area is within an enclosed area behind the building, though it is smaller than the subject patio.

### ***Supplemental Regulations***

Outdoor eating areas associated with food and beverage establishments are subject to Supplemental Regulations found in §28.151 MGO. The supplemental regulations for this conditional use include the following:

- (a) Primary access to the area shall be from within the establishment.
- (b) Hours of operation shall end at 9:00 p.m. in all districts except for MXC, CC and RMX, unless extended as part of the conditional use approval.
- (c) No amplified sound is permitted in all districts except MXC, CC and RMX, unless allowed as part of the conditional use approval.
- (d) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Supplemental regulation (a) is addressed through the submitted plans for the restaurant and seating area. Regulations (b) and (c) are addressed as reasons for the conditional use. Regarding regulation (d), staff have recommended measures that may be considered by the Plan Commission to address and mitigate sound impacts, and the applicant proposes some sound mitigation efforts. If the Plan Commission can find the standards met, then staff recommends that additional measures be considered as approval conditions:

- **Hours Limitations.** Staff recommends limiting occupancy of the enclosed rear outdoor eating area to 9 p.m. on most days, but allowing occupancy until 10 p.m. on Friday and Saturday nights. Amplified sound in this area should be limited to 8 p.m. on Saturdays from mid-April through mid-November. Further, staff recommend the front outdoor eating area only operate until 9 p.m. and have no amplified music, both of which are in line with the applicant's request.
- **Limit Approval Period.** As a recommended condition, this initial Conditional Use approval would be valid only for one year. After that year, the applicant would need to apply to extend the Conditional Use approval. Staff believe such a condition to be worthy of consideration since, given the proximity to residential uses, the actual noise impacts could vary considerably based on various factors including how the amplified sound is utilized and managed. There is precedent for this type of condition: recently, the Plan Commission approved a conditional use for the Essen House Site (506-518 E Wilson Street and 134-148 S Blair Street). Prior approvals were limited to one year, with the most recent February 2, 2026 approval for a two year period (Legistar ID [91287](#)). If this request is approved and the applicant returns for re-approval, the Plan Commission could consider another one-year approval, an approval with a longer term, or a standard approval without expiration other than that defined in the Zoning code.
- **Noise Mitigation Measures.** In order to establish a more detailed and clear understanding of operational plans and mitigation efforts, the applicant's proposed mitigation efforts are recommended to be specifically noted in a plan to be reviewed and approved by City the Building Inspection and Planning Divisions. This should include more details on stage location and setup, speaker placement and orientation, the location and type of any sound mitigation features, and other similar details.

Finally, staff note that if approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO §28.183(9)(d).

### Public Comment

Staff have received several written public comments regarding this application, which have been attached to the legislative file for this request. As additional written comment is received, it will be attached to the legislative file.

### Conclusion

The applicant is seeking to operate a restaurant with an outdoor eating area that includes amplified sound at an existing building at 1602 Gilson Street. The request is subject to the standards for conditional uses, as well as supplemental regulations for outdoor eating areas. While some adopted plans recommend transition of this general area to residential uses, this has not occurred and the existing Traditional Employment zoning for this site allows the requested uses as conditional uses. Staff believes all conditional use approval standards for the restaurant use can be found met.

Concerning the conditional use requests for outdoor eating areas associated with the restaurant, there are two outdoor patio areas associated with this building. Consistent with the applicant's request, a smaller patio area located along Gilson Street is proposed to operate under the standard Zoning regulations, including closing by 9 p.m. and having no amplified sound. The other patio is the larger area located behind the building, which is the subject of the amplified sound and extended hours.

While recent approvals for amplified outdoor sound are relatively few, especially in proximity to residential development, each conditional use request must be reviewed on its own merits. As noted above, the Plan Commission recently denied a request for outdoor amplified sounds (Legislative ID [91510](#)). While similar in some ways, this request includes some differences. First, the subject site already has a very limited approval to allow four (4) annual events with outdoor amplified sound (conditions stated outdoor sound was otherwise prohibited). Second, the patio area in question abuts a mixed-use building and while recommended for Low Residential uses, it is currently zoned the more intensive Traditional Employment (TE) district.

However, due to the proximity of this outdoor eating area to residential uses, staff have concerns related to Conditional Use Standard 3 for this request. Staff believes that there are challenges to mitigating sound impacts. The amplified sound impacts will vary based on factors such as the volume levels, location/setup of stage and speakers, size of performing ensembles, types of amplification, effectiveness of on-site management and mitigation efforts, and frequency of events.

Careful attention should be given to all of the submitted materials and input at the public hearing. Due to the proximity issues, staff cannot definitively conclude Standard 3 is met at this time. As such staff have not recommended outright approval and recommended that the Plan Commission give careful consideration to this request. Further, while staff do not believe the requested hours of occupancy of the outdoor eating area and use of amplified sound are not approvable as requested, the Plan Commission may be able to find that the applicable standards of approval can be met with additional restrictions, considering the previous approval allowing very limited outdoor sound on this site. Recommended conditions include establishing a one-year approval and further limitations that staff believe may help the Plan Commission find the standard 3 and any other applicable standards to be met.

Finally, staff again note that if approved, the Plan Commission retains continuing jurisdiction over this conditional use, meaning that should complaints be filed, the Plan Commission could take further action on this conditional use as allowed in MGO §28.183(9)(d).

## Recommendation

### Planning Division Recommendations (Contact Colin Punt 243-0455)

The Planning Division recommends the following to the Plan Commission regarding 1602 Gilson Street:

- That the Plan Commission find that the standards for conditional uses are met and **approve** the conditional use for a restaurant subject to input at the public hearing and the conditions recommended by the reviewing agencies below.
- That if the Plan Commission can find that the standards for conditional uses are met, it should approve the conditional use for an outdoor eating area open after 9 p.m. and with amplified sound subject to input at the public hearing and the conditions recommended by the reviewing agencies below. However, in the alternative, should the Plan Commission find that the standards for approval are not met, the Plan Commission should provide its findings of fact and place the request on file without prejudice.

**Recommended Conditions of Approval:** Major/Non-Standard Conditions are Shaded

**Planning Division** (Contact Colin Punt, 243-0455)

1. The conditional uses for an outdoor eating area associated with a food and beverage business open past 9:00 p.m. and amplified sound at an outdoor eating area associated with a food and beverage business are valid through December 31, 2026. If the applicant wishes to operate outside the standard operating conditions allowed as permitted uses in the Zoning code beyond 2026, this shall require approval by the Plan Commission following the submittal of a new application request and public hearing. No sooner than December 1, 2026, the applicant may request approval of a new conditional use to continue or change the hours of operation for the outdoor eating area and the allowed times and dates for outdoor amplified sound. At that time the Plan Commission may consider another one-year approval, a longer-termed approval, or a standard approval without sunset clause. Note: The conditional use for the restaurant has no sunset beyond those conditions already identified in the zoning code.
2. That upon final sign-off and meeting of conditions, the rear enclosed outdoor eating area may operate and be occupied from 10 a.m. to 9 p.m. Sundays through Thursdays and from 10 a.m. to 10 p.m. on Fridays and Saturdays. The front outdoor eating area may at no time be occupied after 9 p.m.
3. That between April 15 and November 15, outdoor amplified sound in the rear outdoor eating area shall be allowed on Saturdays between the hours of 12 p.m. and 8 p.m. No amplified sound is permitted in the front outdoor eating area.
4. The applicant shall submit a more accurate and complete scaled seating plan showing exactly where the tables will be located on each patio. As part of this seating plan, the applicant shall include how many seats will be provided. Plan must show the location of the outdoor performance stage, speakers, children's play area, and any other special features. The plan shall be reviewed and approved by the Zoning Administrator and Directors of the Building Inspection and Planning Division, or their assigns.
5. That a noise attenuation and management plan prepared by the applicant, be submitted to the Building Inspection and Planning Divisions for approval prior to final sign off. Such a plan should include further information related to considerations such as stage location and setup, speaker placement and orientation, the location and type of any sound mitigation features, and other similar details. Speakers should generally be mounted on or near the northern wall and orientated to the south or southeast. The plan shall be reviewed and approved by the Zoning Administrator and Directors of the Building Inspection and Planning Division, or their assigns.
6. If amplified sound is played indoors after 8 p.m. on weekdays or 9 p.m. on weekends, no exterior doors may be propped open or otherwise left open. This shall not preclude the installation and opening of operable doors and windows opening into the outdoor eating area. These windows and doors can only be propped open during the hours when the outdoor eating area is open and shall operate in accordance with the approved conditional uses.

**Zoning Administrator** (Contact Jenny Kirchgatter, 608-266-4429)

7. Work with Zoning staff to establish a project completion date. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval.

8. Signage approvals are not granted by the Plan Commission. Signage must be reviewed for compliance with Chapter 31 Sign Codes of the Madison General Ordinances. Signage permits are issued by the Zoning Section of the Department of Planning and Community and Economic Development.

*The Traffic Engineering Division, Parks Division, Forestry Section, Water Utility, Metro Transit, City Assessor's Office, City Engineering Division-Mapping Section, and Parking Utility have reviewed this request and have recommended no conditions of approval.*