



Office of the Common Council

Ald. Sara Eskrich, District 13

City-County Building, Room 417
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703-3345
Phone (608) 266-4071
Fax (608) 267-8669
district13@cityofmadison.com
www.cityofmadison.com/council/district13

To: Members of the Plan Commission
From: Sara Eskrich, District 13 Alder
RE: District 13 Items
Date: June 11, 2016

I apologize in advance; I will not be able to attend your meeting on Monday, June 13th, as I have two conflicting meetings. Please see my comments regarding projects in District 13 below, and do not hesitate to reach out to me individually if you have any questions.

6. 42303 Consideration of a demolition permit to demolish a single-family residence and construct a new single-family residence at 3303 Gregory Street; 13th Ald. Dist.

I have not received any concerns regarding this application. I support the request with the staff recommended conditions of approval.

8. 42307 Consideration of a conditional use to construct an outdoor recreation area, expand the parking area, increase the capacity and modify the floorplan for approved outdoor eating area, and approve a parking reduction, all for a restaurant-tavern at 1313 Regent Street and 7 S. Randall Avenue; 13th Ald. Dist.

This item has been before you previously and I appreciated your support of a significant number of conditions that help address concerns regarding the impact of this project on the surrounding neighborhood. The staff report describes these conditions well, and ensures they are preserved should these changes be approved. There continues to be concern regarding the impacts of alcohol-serving establishments on Regent Street. I appreciate and share that concern. There is also concern about light and noise pollution. The staff conditions regarding outdoor closing times of 10pm, no outdoor amplified sound, capacity driven by tables and seating, an 8-foot screening fence, no outdoor use during Badger Football home games, and parking available at all times (not shutdown for events) mitigate the impacts of the proposed changes to the outdoor patio and proposed volleyball courts.

Due to the nature of the conditions, I support approval of this item. I hope the addition of outdoor recreation will provide value and enjoyment to the neighborhood.

12. 42745 Consideration of a conditional use for an outdoor eating area for a restaurant-tavern at 2701 Monroe Street; 13th Ald. Dist.

We had a very productive neighborhood meeting on Monday, June 6th with Food Fight regarding the former Bluphies and their request for outdoor seating. Neighbors shared concerns regarding noise

and parking, but also shared support for the new restaurants and outdoor seating at this location. Some particular elements of the proposal eased resident concerns, including:

- The outdoor space hours will close at 9pm Sun – Thurs and 10pm Friday and Saturday.
- The opening “window” to the indoor space is small, such that noise will not be likely to travel outside of the restaurant.
- The restaurant is installing more internal noise dampening foam and internal noise controls.
- The outdoor space is nearly completely bounded by a five foot brick wall. As people sit at the tables, the intention is that the noise will be mitigated by the walls.
- There will not be amplified music in the outdoor space.
- The proposal takes away three current parking spaces. Monty from Food Fight noted that Bluphies has stored two catering vans in the parking lot and those will be gone with the new restaurants. So, it is in some ways only losing one spot.

After the meeting, I shared with neighbors that there are some conditions that I will work to have included in the licensing of this space. I ask the Plan Commission to consider:

- The outdoor hours will not just stop seating and serving at 9pm and 10pm, but the outdoor space will be closed after 9pm and 10pm respectively (as per staff condition 1).
- The outdoor space will have occupancy set by the number of seats. This will ensure that the area does not become crowded, standing-room outdoor space, but an extension of the restaurant seating area.
- The outdoor space will include a landscaping plan to be approved by the city to further screen the outdoor space (as per staff condition 3).
- The outdoor space will not be permitted an entertainment license (this condition will be shared with the ALRC).
- The applicant will provide an employee traffic management plan (noting that employee parking can be part of the neighborhood parking challenges).

I also noted that if there are concerns over noise and the outdoor seating, we can always readdress the hours of operation or operation in general in the future. That is the nature of a conditional use request.

I recommend this application be approved with the staff conditions and relevant above conditions.

Firchow, Kevin

From: bacantrell [REDACTED]
Sent: Sunday, June 12, 2016 8:43 PM
To: Parks, Timothy; Firchow, Kevin; Tucker, Matthew
Subject: Fwd: pls vote against item #8, 42307 on the 6/13 plan commission agenda

Fyi

Sent via the Samsung GALAXY S@ 5, an AT&T 4G LTE smartphone

----- Original message -----

From: Chuck Erickson <[REDACTED]>
Date: 6/12/2016 8:00 PM (GMT-06:00)
To: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]
Cc: [REDACTED], [REDACTED], [REDACTED], Sheri Carter
Subject: pls vote against item #8, 42307 on the 6/13 plan commission agenda

Hello,

My name is Chuck Erickson, I'm the Dane County Board supervisor for the Vilas and Greenbush neighborhoods and have lived on the 1500 block of Jefferson St. for 24 years. I have been on the County Board for just over 15 years.

I'm asking you to vote against item #8, 42307 on the plan commission's agenda tomorrow, June 13th. The address is 1313 Regent St. and #7 S. Randall Ave.

There should not be another bar in this area, let alone another bar with outdoor dining or volleyball. It would negatively impact the normal use for the residences which are immediately adjacent to this site.

The noise would not only affect the residences immediately next door but the noise could reach other parts of the neighborhoods which are two and three blocks away.

The Vilas Neighborhood has consistently opposed additional bars in this area for decades and especially outdoor music, dining, beer gardens and noise which negatively affect the normal use of a residential neighborhood.

Also, due to family reasons I will be moving to another part of my district in the near future, however I have worked on these issues since I have lived on Jefferson St.

Again, please vote against item #8, 42307 tomorrow evening.

Thanks,

Chuck Erickson

Dane County Board Supervisor, District 13

██████████ Emerald St.
Madison, WI 53715
June 13, 2016

City of Madison Plan Commission
210 Martin Luther King, Jr. Blvd.
Madison, WI 53701

Dear Commission Members:

I am writing on behalf of members of the Greenbush Neighborhood Council (governing body of the Greenbush Neighborhood Association) regarding the conditional use permit for additional parking and an outdoor recreation area for the new Lucky's Brewpub at 1313 Regent St.

The GNC felt we had no reason to oppose the proposed changes provided that:

- outdoor activities will cease by 10PM nightly
- no outdoor amplified sound is to be used in the area
- a privacy fence will be constructed on the facility the perimeter between neighboring residences and the outdoor recreation area/volleyball courts
- lighting to be installed is designed to minimize light scatter reaching neighboring residences

I am told the first three items in this list are included as terms for the conditional use permit being applied for. The Neighborhood Council felt the additional 8 parking stalls, although not a tremendous increase in parking capacity, is an overall improvement for the site.

Mr. Ripper did provide a copy of the site lighting plan to me last week indicating designs predict minimal light scatter will reach homes on the south side of Bowen Ct. or to the residences along S. Randall adjacent to the proposed parking areas.

Should there be any significant deviations from the above design changes and operational limitations outlined above that would extend hours of operation, increase overall sound volume for neighboring properties or increase the amount of light cast beyond the property boundaries, we feel the Neighborhood Council should be briefed on such changes before the conditional use permit is granted.

Sincerely,

John Perkins
Greenbush NA, President

Neighborhood Council Members:

| | |
|------------------|----------------|
| Zaccai Lewis | Jason Hagenow |
| Cindy Koschmann | Julie Laundrie |
| Ryan Engel | Karen Carlson |
| Duane Steinhauer | Mark Wagler |
| Cynthia Williams | Nate Warnke |
| Andrea Levy | |

To Members of the City of Madison Plan Commission
Regarding the Consideration of Conditional Use #42307 (Lucky's Brew Pub)
June 13, 2016

I am a long-time homeowner on the north end of Jefferson St., residing in the Vilas neighborhood only 200 ft. from the new 1313 Regent St Lucky's location in question.

I wish to register disapproval of the conditional use plan for 1313 Regent St. - Lucky's Brew Pub for the following reasons:

NOISE AND LIGHT POLLUTION

- The configuration of the proposed volleyball courts at 1313 Regent St couldn't be situated more poorly. There are 12 homes and 1 multiunit apartment building directly adjacent to the space. There is very little space (40 feet), of effective barriers to block the light and noise pollution the outdoor bar activity will create. A majority of these adjacent properties are not owner occupied, but granting this variance would be unfair to the renters who would have to live next to the nuisance and the property owners who will have to accept lower rents to keep units full and will need to annually find new tenants to replace old tenants fed up with the continual disturbance.
- The proposed volleyball courts (recreation area) with their noisy games and audience would negatively impact the right of residents in the adjoining residential neighborhood to enjoy "quiet repose" in their homes. No one uses his or her "indoor voices/language" at a game. There would be a vocal crowd in the area until 10 PM each night from May to October (6 months).
- The request for addition of an outdoor bar in the area of the outdoor eating area/volleyball courts imply that the users of the courts and their audience would be encouraged to consume conveniently available alcohol as part of the recreational experience, further adding to a raucous atmosphere. The "outdoor eating area" becomes a real beer garden every day/night.

"GENERAL NOISE CONFLICTS"and CAPACITY

"While the applicant previously sought a capacity of 110 (for the outdoor dining area), a smaller capacity (58) was approved based on limiting potential noise conflicts with neighboring residential properties..." With the new request for 82 in the outdoor dining area, plus 24 on the volleyball courts, they will approach the 110 capacity they originally sought and gained a beer garden every night until 10 PM.

ALCOHOL DENSITY/PARKING

- The original approval of an alcohol license to 1313 Regent St. increased the alcohol density of this immediate (2 block) area by 350%. With this new he addition of the 48 person capacity increases the alcohol density in this two-block area of Regent St. still further.
- With 24 persons in the volleyball court and 82 in the outdoor dining area (and outdoor bar) the addition of only 8 new parking spaces means that the nearby residential streets, already heavily stressed by bar patrons, will have to absorb the need for additional parking until the 2:30 AM bar time permitted to this location. (Madison buses only run until midnight.)

MANAGEMENT ISSUES

<https://madison.legistar.com/LegislationDetail.aspx?ID=2675846&GUID=A4153B7C-FB77-441A-9EDE-1877EB893045>

Regarding this staff comment: "If well-managed, the Planning Division believes that the proposed modifications could result in limited negative impacts on surrounding properties."

The current bar owned by Mr. Ripley (Luckys at 1421 Regent St.) has been very poorly managed. The building, filthy open trash area (with drug related graffiti), and broken down fencing surrounding the parking area directly adjacent to the public sidewalk demonstrate increasingly deplorably shabby and dirty conditions at that location over the past two years. (See photo). Only recently, after vigorous residents' complaints have any repairs been made. There have been numerous non-emergency calls to

the police from nearby homeowners (including me) about loud music every night/early morning from the bar. Threatening aggressive behavior in my yard or on my porch by drunken patrons from the bar has also necessitated 911 calls to the police. Residents shouldn't have to beg a business owner to clean up his act.

Mr. Ripley's response to these issues by residential neighbors has demonstrated indifference and even seemingly arrogant disregard for his neighbors' concerns. In a phone conversation I had with Mr. Ripley on April 20, 2016 I expressed continued frustration about the noise issues we have had with his current bar and that in his new location the residences there might also be subjected to disturbances, he commented that the residences next to that location were "only apartments."

And in a Feb. 20, 2016 email from Mr. Ripley, replying to my failed attempt to get his managers to control the volume of music coming nightly from his bar at 1421 Regent, he wrote,

"Let me reach out to the managers and DJ and see if they can watch the sound.

Good news is we are moving soon to 1313 Regent Street."

Thank you,
Mary Diman
1518 Jefferson St. Madison, WI 53711
608-255-1447; marydiman@yahoo.com



Arrow indicates my owner-occupied residence. Photo taken from the public sidewalk on Jefferson St. at the Lucky's 1421 Regent St. location, March 2016.