



Legistar I.D. #18878  
437 County Highway M (South Junction Road)  
Conditional Use Request

Report Prepared By:  
Heather Stouder, AICP  
Planning Division Staff

**Requested Action:** Approval of a conditional use for an outdoor eating area in the C2 (General Commercial) District.

**Applicable Regulations & Standards:** Section 28.12(11) provides the guidelines and regulations for the approval of conditional uses.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission finds the conditional use standards can be met and **approve** the request for a conditional use for an outdoor eating area.

### Public Input

Staff was recently made aware of concerns regarding potential noise from a property owner to the west, across South Junction Road. The property owner is not otherwise opposed to the conditional use. While the proposed outdoor eating area will be fully screened from this residential property by the building itself, as well as the road, concerns regarding late night noise from amplified music were raised.

The applicant confirmed that there is no intention by the business to allow for outdoor amplified sound, with the possible exception of occasional midday jazz musicians. However, since the conditional use lies with the property, rather than the current business, staff recommended to both the concerned property owner and the applicant during phone conversations on Monday, June 21, that an additional condition is added to prohibit outdoor amplified sound after 10:00pm, and both agreed that this would be acceptable.

### **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

#### Planning Division Recommendation (Contact Heather Stouder, 266-5974)

Therefore, staff recommends that the Plan Commission finds that the conditional use standards can be met, and **approve** the request subject to input at the public hearing, conditions from reviewing agencies in the June 21, 2010 staff report, and this additional condition:

24. There shall be no outdoor amplified sound associated with the outdoor eating area after 10:00pm on any day of the week.

## Stouder, Heather

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**From:** Michael Ford [mikeford@tds.net]  
**Sent:** Friday, June 18, 2010 9:50 AM  
**To:** Stouder, Heather  
**Subject:** Legistar Item #18878

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I reside at 3699 Junction Road across from the parking lot of the West Side Club & was notified of their request for a conditional use permit for "Outside Dining and Beer Garden".

Your report to the Plan Commission dated June 21 does not seem to address the "Beer Garden" part which concerns me. The West Side Club's clientele have only very occasionally created a noise problem since 1984 when I moved here. If they are now trying to create a different clientele with a beer garden then this could change.

I am aware that the West Side Club has live entertainment & would like to know if they intend on having any of that entertainment or loudspeakers in this outdoor area. I would strongly oppose a permit which allowed this type of use since the noise would be disturbing to residents across the street.

I recently received a response from Kevin Firchow pertaining to the use of the residential properties to the West of the West Side Club & it is clear that under the 2003 Agreement between the City of Madison & Town of Middleton that the use of these properties in the Town of Middleton is restricted to residential use until 2042 unless the residents decide to petition for annexation into the City of Madison. If the City is planning for uses other than residential in the next 20 years then this seems to be contradictory of its Agreement with the Town of Middleton.

The City has recognized part of the West Side Club building as being historic & has planned the expansion of the roadway on Junction Road so as to preserve the Historic schoolhouse that sits amid a commercial district with a cellular tower added behind it. If the City is serious about preserving this as an historic building then putting a beer garden adjacent to it raises a question in my mind of the City's integrity.

I have also recently reviewed the City's assessments for properties in the area. The assessments for the land value for the West Side Club & the adjacent lot that they lease to the State Bank of Cross Plains are exceptionally low (\$7.17 per square foot & \$9.14 per square foot, respectively) when compared to other nearby commercial properties which range from \$10.17 to \$28.29 per square foot. The assessment for the improvements on the West Side Club property is little more than that for a single-family house. If the West Side Club will be generating more traffic congestion, noise complaints, & police calls then the City may want to review its assessment policy with respect to this property as a result of this conditional use.

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