



PREPARED FOR THE PLAN COMMISSION

Project Address: 506-518 E Wilson Street and 132-150 S Blair Street
Application Type: Conditional Use
Legistar File ID # [91287](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted
Reviewed By: Kevin Firchow, Planning Division

Summary

Applicant & Property Owner: Robert L. Worm, JDJ Import Company, LLC; 516 E Wilson Street; Madison.

Contact Person: Kevin Burow, Knothe & Bruce Architects, LLC; 8401 Greenway Boulevard, Suite 900; Middleton.

Requested Action: Consideration of a conditional use in the Urban Mixed-Use (UMX) District for an outdoor eating area open after 9:00 PM; consideration of a conditional use in the UMX district for an outdoor eating area with amplified sound; and consideration of a conditional use in the UMX district for outdoor recreation, all to allow an outdoor eating area shared by three adjacent restaurants to operate after 9:00 PM with live music and outdoor recreation (sand volleyball) at 506-518 E Wilson Street and 132-150 S Blair Street.

Proposal Summary: The applicant and property owner are requesting approval of conditional uses in UMX zoning to allow the existing outdoor eating area used by the Come Back In and Essen Haus to continue, and for the parking lot adjacent to the Come Back In, Essen Haus and Up North Pub restaurants to be used for a variety of seasonal uses. The request includes previously approved sand volleyball during the summer months, and six special events spread throughout the year, as well as live music on two evenings a week. The applicant was granted approval for most of these conditional uses on January 13, 2025 for the remainder of 2025. The applicant is requesting approval to continue the outdoor uses for 2026 and 2027.

Applicable Regulations & Standards: Table 28E-2 in Section 28.072(1) of the Zoning Code identifies restaurants and taverns as permitted uses in the UMX (Urban Mixed-Use) zoning district. Outdoor recreation and outdoor eating areas associated with food and beverage establishments are conditional uses in the UMX district subject to Supplemental Regulations in Section 28.151. The Supplemental Regulations require that an outdoor eating area in UMX zoning open after 9:00 PM and outdoor eating areas with amplified sound obtain conditional use approval. Section 28.183 provides the process and standards for the approval of conditional use permits.

Note: The letter of intent dated November 14, 2025 makes reference to the subject establishments as 'Restaurant-Nightclub[s]'. Due to a text amendment adopted by the Common Council on June 17, 2025 as Ordinance 25-00042 (ID [88319](#)), the uses 'Restaurant-Nightclub' and 'Nightclub' no longer exist in the Zoning Code. Establishments categorized as a restaurant-nightclub or nightclub are now considered as either a 'Restaurant,' 'Tavern,' or 'Concert Hall.'

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find the standards met and **approve** conditional uses for 506-518 E Wilson Street and 132-150 S Blair Street to allow an outdoor eating area open after 9:00 PM and with amplified sound to serve three restaurants, and a conditional use for outdoor

recreation, all subject to input at the public hearing and the conditions from reviewing agencies beginning on **page 9** of this report.

Background Information

Parcel Location: Approximately 2.4 acres generally located at the northwestern corner of E Wilson Street and S Blair Street, Alder District 6 (Mayer); Madison Metropolitan School District. Portions of the subject site are split between the First Settlement Historic District and the Third Lake Ridge Historic District.

Existing Conditions and Land Use: The subject site is comprised of eight parcels zoned PD containing a total of six buildings:

- 506 E Wilson Street is developed with a two-story, 6,352-square-foot mixed-use building constructed in 1875, which contains a restaurant-nightclub on the first floor and four apartments (per City records);
- 510 E Wilson Street is developed with a two-story, 4,138 square-foot commercial building constructed in 1875, with multiple additions built through 1956 according to City records;
- 514 E Wilson Street is developed with a two-story, 3,042 square-foot commercial building constructed in 1909;
- 516 E Wilson Street is developed with a two-story, 2,633 square-foot commercial building built in 1909;
- 518 E Wilson Street is developed with a two-story mixed-use building constructed in 1890, which contains 1,452 square feet of commercial space on the first floor and two apartments above;
- 150 S Blair Street (also 522 E Wilson Street) is the three-story, 15-room Hotel Ruby Marie, which also includes a café and the Up North Pub on its ground floor; and
- 132, 140, and 148 S Blair Street total 44,471 square feet (1.02 acres) of land developed as surface parking lot primarily used by the restaurant-nightclubs on E Wilson Street and hotel.

Surrounding Land Uses and Zoning:

North: Residential development ranging from single- and two-family homes to larger structures including the Franklin Street Condominiums, zoned DR1 (Downtown Residential 1 District) and PD;

South: E Wilson Street and its intersection with John Nolen Drive and Williamson Street and Wisconsin and Southern Railroad right of way;

East: Madison Gas and Electric offices across S Blair Street, zoned TE (Traditional Employment District); and

West: The Germania Condominiums, zoned PD, and a variety of residential uses on S Franklin Street, zoned DR1.

Adopted Land Use Plans: The 2012 Downtown Plan recommends the E Wilson Street frontage of the subject site for Downtown Core Mixed-Use and identifies the remainder of the site for predominantly residential uses. The parking lot is identified on the Parcel Analysis map on page 25 as a site for potential redevelopment or infill development. The site is located in the First Settlement neighborhood/district, and most of the site is recommended for development with up to six stories, except the western edge of the parking lot, which is limited to three stories.

The [Comprehensive Plan](#) as amended through 2024 recommends the E Wilson Street frontage for Downtown Core (DC), with Medium Residential (MR) recommended for the portion of the remaining site to be developed up to six stories in height. The portion of the site recommended for development up to three stories is recommended for Low-Medium Residential (LMR).

Zoning Summary: The requests will be developed in the UMX (Urban Mixed-Use) District.

Other Critical Zoning Items	
Yes:	Landmarks (Third Lake Ridge, First Settlement Districts), Urban Design (UMX zoning), Barrier Free, Utility Easements, Wellhead Protection (WP-17)
No:	Floodplain, Waterfront Development, Adjacent to Park, Transit-Oriented Development
<i>Prepared by: Planning and Zoning staff</i>	

Environmental Corridor Status: The property is not located within a mapped environmental corridor.

Public Utilities and Services: The site is served by a full range of urban services, including seven-day Metro Transit service on E Wilson Street.

Previous Approvals & History

On February 2, 1994, the Common Council approved a request to rezone 506-518 E Wilson Street, 125-145 S Franklin Street, and 134-148 S Blair Street from R5 (General Residence District) and C2 (General Commercial District) to Planned Unit Development, General Development Plan (PUD-GDP) [1966 Zoning Code] to allow future construction of 11 townhouses on the east side of S Franklin Street, a three-story, 54-unit apartment building to be located above a partially exposed three-level parking structure on S Blair Street, and a five-story mixed-use building on E Wilson Street with ground floor restaurant-taverns and upper floor apartments.

On February 6, 1996, the Common Council approved a request to rezone 506-518 E Wilson Street, 125-145 S Franklin Street, and 134-148 S Blair Street from PUD-GDP to Planned Unit Development, Specific Implementation Plan (PUD-SIP) [1966 Zoning Code] to allow construction of 11 townhouses on the east side of S Franklin Street, construction of 30 apartments on three floors above the existing two-story restaurant-tavern building on E Wilson Street, and improvements to the shared surface parking lot located along S Blair Street, which was approved with 136 total stalls for the various residential and food and beverage uses within the PUD. The zoning text for the PUD-SIP included an allowance for up to six outdoor events or festivals, some of which coincide with traditional local sports celebrations.” [Note: Of the two residential projects approved with this Specific Implementation Plan, only the 11 townhouses were built, which became the Germania Condominiums.]

On April 22, 2013, the Plan Commission approved a PD(SIP) alteration for the restaurant-tavern at 514 E Wilson Street to add “Seasonal Outdoor Volleyball as shown on approved plans” as a conditional use to the zoning text for the project to allow sand volleyball in a portion of the parking lot. The approval was granted with a one-year trial period ending on September 8, 2013 and requiring re-approval by the Plan Commission before it could continue the following year.

On March 24, 2014, the Plan Commission re-approved a conditional use and PD(SIP) alteration to allow re-approval of outdoor recreation (sand volleyball) for the restaurant-tavern at 514 E Wilson Street. The 2014 approval allowed sand volleyball in the parking lot from the first week of May to the first week of September. On

Mondays–Fridays, volleyball was approved from 5:30 to 10:30 PM, and on Saturdays and Sundays from 12:00 to 9:00 PM. The approval includes a prohibition on outdoor amplified sound “or similar sound-producing devices”.

On May 22, 2023, the Plan Commission approved an alteration to an approved PD-SIP to allow outdoor recreation, weekly outdoor events, and special seasonal events in the parking lot for the adjacent restaurant-taverns at 506-518 E Wilson Street and 134-148 S Blair Street subject to conditions. More information on the 2023 PD(SIP) alteration request may be found at this link: ID [77018](#). Following the May 22, 2023 Plan Commission approval, the applicant chose not to sign the approval letter as stipulated above and did not complete the final approval and verification of conditions step in the approval process to allow the outdoor area to be used as allowed by that approval. As such, the applicant generally operated in 2023 under the 1996 six outdoor event or festival and 2014 sand volleyball approvals.

On January 22, 2024, the Plan Commission approved an alteration to an approved Planned Development–Specific Implementation Plan (PD-SIP) to allow outdoor recreation, weekly outdoor events, and special seasonal events in the parking lot for the adjacent restaurant-taverns at 506-518 E Wilson Street and 134-148 S Blair Street. More information on the 2023 PD(SIP) alteration request may be found at this link: ID [81267](#). This approval was only good for calendar year 2024, and any future use of the parking lot for any of these uses after December 31, 2024 required approval by the Plan Commission. The applicant met the conditions of approval and operated under the 2024 conditions insofar as staff is aware.

On June 18, 2024, the Common Council approved a request to rezone 506-518 E Wilson Street and 134-148 S Blair Street from PD (Planned Development District) to UMX (Urban Mixed-Use District) and approved a Certified Survey Map (CSM) to create two lots for the proposed mixed-use development. On June 10, 2024, the Plan Commission approved a demolition permit to demolish five commercial buildings located at 506-518 E Wilson Street and approved conditional uses in UMX zoning to allow construction of a six-story, 100-room hotel on E Wilson Street and eight-story, 178-unit apartment building and structured parking on S Blair Street. Final approvals of the demolition permit, conditional uses, and CSM for the June 2024-approved redevelopment project are pending. As with any zoning map amendment, however, the zoning of the property changes once a rezoning ordinance is approved by the Common Council and published in the City’s paper of record (the Wisconsin State Journal) and without regard for whether any other elements of the land use approval requested are implemented.

On January 13, 2025, the Plan Commission found the standards met and approved conditional uses in the Urban Mixed-Use (UMX) District for three restaurant-nightclubs; a conditional use for an outdoor eating area open after 9:00 PM for the restaurant-nightclubs; a conditional use for amplified sound in the outdoor eating area for the restaurant-nightclubs, and; a conditional use for outdoor recreation, all to allow an outdoor eating area to be shared by two adjacent restaurant-nightclubs to operate after 9:00 PM with outdoor musical performance, and six temporary outdoor events and outdoor recreation (sand volleyball) in the parking lot. Among the conditions of this approval was the expiration of the conditional uses at 11:59 PM on December 31, 2025, after which time new approval by the Plan Commission would be required. More information on the 2025 conditional use approvals may be found at this link: [86417](#).

Supplemental Regulations

Section 28.151 of the Zoning Code includes the following supplemental regulations for a Restaurant (as of June 17, 2025):

- (a) If the restaurant serves alcohol, maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats, as shown on the floor plan consistent with approved capacity.
- (b) Must serve food at all hours it is open.

The following supplemental regulations apply to Outdoor Eating Areas Associated with Food and Beverage Establishments, which are defined as “an extension of a premise outside an enclosed building which is open to the public, where food and beverages are served and consumed”:

- (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.

The following supplemental regulations apply to Outdoor Recreation:

- (a) A minimum 25-foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
- (b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.
- (c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- (d) 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.

Project Description

The applicant and property owner are requesting approval of a series of conditional uses in the UMX zoning district associated with the Come Back In, Essen Haus, and Up North Pub restaurants located on land addressed as 506-518 E Wilson Street and 132-150 S Blair Street.

The subject site includes six buildings that generally front onto E Wilson Street and a large parking area located behind it, which is accessed by two driveways from S Blair Street. The Come Back In, Essen Haus, and parking lot were previously governed by a PD zoning document that regulated the outdoor uses for those businesses. However, pursuant to a June 2024 request to rezone most of the site to UMX to facilitate a mixed-use redevelopment, the zoning approvals that previously regulated those parcels were effectively nullified. [150 S Blair Street was not part of the former PD zoning and has long been zoned UMX.] Implementation of the approved

redevelopment remains pending; the Hotel Ruby Marie and Up North are not part of the redevelopment and will remain once the redevelopment proceeds.

As noted above, the applicant received conditional use approvals last year to allow the outdoor uses that have been present on the site dating back to 1995 to continue in UMX zoning. The approval was conditioned on among other things a December 31, 2025 expiration date, at which time the applicant would need to seek re-approval to operate the outdoor uses in 2026 and beyond. As such, the applicant is seeking the following conditional uses from the Plan Commission:

- Approval of a shared outdoor eating area extending along the rear of the Come Back In, Essen Haus, and Up North Pub, which extends into the parking area. The limits of the areas for the three establishments are shown on Sheet C-1.1 of the plans submitted (“the Seasonal Summer Layout”).
- Approval for music on a stage in the parking lot on **Sunday** and **Monday** from 4:00–9 :00 PM from May 15 to September 15. The outdoor music would be common among the three establishments, all of which have entertainment licenses per Section 38.06.
- Approval for sand volleyball to occur in the parking lot from 5:30-10:00 PM Monday–Friday and from 12:00-9:00 PM on Sunday.
- Six outdoor events or festivals in the parking lot, as outlined in the letter of intent. The request specifies what and when four of the six events would be annually but suggests that the remaining one or two events (depending on year) could include wedding rehearsals and receptions, family reunions, birthday parties, or events tied to a sporting event. The letter of intent indicates that “(n)ighbors will be notified at the beginning of the summer of the scheduled (6) events” but does not specify how that notification will occur.

The six events would run from 11:00 AM to 9:00 PM. For these six events, a “weekend” would begin on Friday and end on Sunday, except for Memorial Day weekend, which would end on Monday, and “Great Taste of the Midwest Beer Festival” weekend, which may begin on Thursday but end on Sunday.

Two plans have been provided for the various conditional uses requested. The ‘Seasonal Summer Layout’ plan includes 28 tables with seating for 112 persons, two performance spaces, and a volleyball court; the remainder of the parking lot would remain open under this configuration. The ‘Event Plan Layout’ for the use of the parking lot during the six events outlined in the letter of intent includes a performance area on the northerly half of the parking lot, the volleyball courts, parking for a refrigerated trailer, a food tent, and seating for 270 persons in addition to the seating for 112 provided on the other layout. Both plans show how the outdoor eating and recreation areas would be cordoned off from the rest of the parking lot. The six outdoor events or festivals would be subject to the Event Plan Layout, while the Seasonal Summer Layout would guide the daily outdoor eating and live music events. The sand volleyball outdoor recreation use would occur as noted on both plans and in the letter of intent.

As noted on page 3 of the letter of intent, the applicant is seeking re-approval of the above conditional uses for a two-year period. The applicant cites the lack of complaints against the outdoor uses as reason why they should be approved for a longer period than before.

Analysis & Conclusion

Since the conditional uses for the subject site were last reviewed by the Plan Commission on January 13, 2025, the regulations for food and beverage establishments in the Zoning Code have been amended. Whereas the three establishments on the subject site were previously characterized as 'restaurant-nightclubs' because each hold entertainment licenses as regulated by MGO Section 38.06, a zoning text amendment approved by the Common Council on June 17, 2025 eliminated the 'restaurant-nightclub' and 'nightclub' uses and reclassified those uses as either a 'restaurant', 'tavern', or 'concert hall' depending on their occupancy and licensing. The Zoning Administrator has determined that the Come Back In, Essen Haus, and Up North Pub are *restaurants* for zoning purposes. Restaurants are permitted uses in the UMX zoning district.

The Zoning Code continues to identify outdoor recreation as conditional use in the UMX district subject to Supplemental Regulations in Section 28.151. Outdoor eating areas associated with food and beverage establishments are conditional uses in the UMX district if they are open after 9:00 PM or propose to have amplified sound (they are permitted uses otherwise).

Following input at the public hearing, staff believes that the Plan Commission may find that the conditional use standards are met to re-approve the requests for an outdoor eating area to serve the three adjacent establishments and for outdoor recreation subject to a similar set of conditions as those approved previously.

Section 28.183(6)(b) of the Zoning Code states that "before granting a conditional use, the Plan Commission may stipulate conditions and restrictions on the establishment, location, construction, maintenance and operation of [a] conditional use. In doing so, the Plan Commission may consider overdue taxes and/or fees and the applicant's history of compliance with relevant ordinances and approvals, including but not limited to, building and Minimum Housing Code, Zoning Code and zoning approvals, and alcohol license provisions and approvals." Like with the approvals granted over the last few years, staff feels that a measured approach is appropriate when considering these conditional uses to ensure that the establishment, maintenance or operation of the conditional uses will not be detrimental to or endanger the public health, safety, or general welfare, and that the uses, values, and enjoyment and normal and orderly development of surrounding properties are not adversely impacted consistent with the conditional use standards.

The stipulations outlined in the applicant's letter of intent reflect many of the conditions of approval previously applied to the requested conditional uses, and Planning staff feels at a minimum that those stipulations and conditions should be carried forward if the conditional uses are re-approved.

Additionally, Planning staff recommends that the following conditions be included with the requested approval:

- Only one performance space/stage shall be allowed. This is condition continues a condition of the 2025 approval. The final location of the stages on the Summer Seasonal Layout Plan and Event Plan Layout shall be approved by staff prior to final approval and use of the stages. The goal of siting the stages will be to provide the greatest distance between the stage and nearby residential uses.
- The applicant shall identify where fixed speakers for the outdoor uses are located. Such speakers shall be directed toward S Blair Street (northeasterly) and away from the residences located along S Franklin Street. The face of all portable speakers, amplifiers, and/or public address systems used for live music on

the stage and outdoor recreation areas in the parking lot shall be directed toward S Blair Street (northeasterly, faces paralleling the Blair Street public sidewalk) to ensure to the extent possible that amplified sound is directed away from nearby residences. This condition stems from comments received from neighbors of the subject site, who were concerned that speakers for the outdoor uses and events were directed toward the adjacent housing. In order to avoid ambiguity and to limit the impact of the amplified sound on the residential properties to the west and north, staff recommends that the speaker, amplifiers, public address systems, etc. be directed to S Blair Street and the industrial and office uses beyond to the extent possible.

- The applicant shall send notice by email to the district alder, Director of the Planning Division, and Zoning Administrator or their designees on or before March 15 annually noting the dates of the six (6) outdoor events/ festivals to be held that calendar year. Failure to provide this notice in a clear and timely manner will forfeit the ability to hold those six outdoor events/ festivals that year. Changes to the schedule of the six (6) outdoor events/ festivals shall be provided in writing and approved by all parties requiring notice not less than 30 days prior to the date of the rescheduled event. Staff feels that the prior conditions of approval to this effect and the language in the current letter of intent are ambiguous regarding who is receiving notice of the six seasonal outdoor events/ festivals requested as part of this approval. The proposed condition is intended to reduce this ambiguity and provide a clearer process for when the schedule of events for the year will be shared. While staff would discourage deviations from the annual schedule approved on or after March 15, the condition allows for how such deviations may be considered.
- Finally, staff agrees that the Plan Commission may make this a **two-year approval** for 2026 and 2027 to give the applicant a longer period to demonstrate compliance with the conditional use standards and all conditions of approval. While staff agrees with the applicant's assertion that no formal complaints against the approved outdoor uses have been filed with the Zoning Administrator, compliance concerns have been occasionally raised by neighbors, and these uses have occasionally been a source of tension between the applicant, past alders, and neighbors. A two-year approval recognizes the applicant's desire to not return to the Plan Commission prior to commencing the outdoor uses in 2027 with the need to establish a defined expiration date for the approval, which will allow the Plan Commission the opportunity to reassess the conditions governing these outdoor uses following input at a public hearing.

As with any conditional use, the Plan Commission will retain continuing jurisdiction over any conditional uses approved here in the event that complaints are received about the outdoor eating area and outdoor recreation, which could result in more restrictive conditions being applied if deemed necessary following an investigation and public hearing. However, the conditional use process is complaint- and compliance-driven and therefore reactionary. Staff feels that a defined expiration for this conditional use approval will allow the Plan Commission to more proactively address any issues that may arise over the next two years.

Recommendation

Planning Division Recommendation

The Planning Division recommends that the Plan Commission find the standards met and **approve** conditional uses for 506-518 E Wilson Street and 132-150 S Blair Street to allow an outdoor eating area open after 9:00 PM

and with amplified sound to serve three restaurants, and a conditional use for outdoor recreation, all subject to input at the public hearing and the following conditions:

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

Planning Division (Contact Timothy M. Parks, (608) 261-9632) and

Zoning Administrator (Contact Jacob Moskowitz, (608) 266-4450)

1. As requested by the applicant, the conditional uses for outdoor recreation (sand volleyball) and an outdoor eating area for the restaurants located at 506-518 E Wilson Street and 150 S Blair Street are hereby approved **for calendar years 2026 and 2027**. These conditional use approvals shall expire at 11:59 PM on December 31, 2027, after which time new approvals by the Plan Commission shall be required.
2. All of the events and services governed by this approval shall not start before the listed start time and shall end and the area cleared of attendees, and outdoor amplified sound and use of sound-producing devices stopped by the end time enumerated as follows:
 - Outdoor events/festivals, which shall not start before 11:00 AM and shall end by 9:00 PM.
 - Outdoor live music/performance events on Sunday and Monday evenings from May 15 until September 15; these events shall not start before 4:00 PM, and shall end by 9:00 PM.
 - Outdoor recreation shall only be allowed between 5:30-10:30 PM on Monday–Friday and from 12:00-9:00 PM on Sunday. No amplified sound shall be allowed for the outdoor recreation area after 9:00 PM nightly.
 - All other food and beverage service in the Summer Seasonal Layout Plan may commence at 10:30 AM Monday–Friday and at 9:00 AM on Saturday, Sundays, and on City holidays; all service in the outdoor eating area shall end by 12:00 AM midnight seven days a week. No amplified sound shall be allowed in the outdoor eating area after 9:00 PM seven days a week.
 - The Director of the Planning Division may consider a minor alteration to the conditional uses to further modify the hours of operation for the outdoor eating and recreation areas following a recommendation by the district alder.
3. The applicant shall send notice by email to the district alder, Director of the Planning Division, and Zoning Administrator or their designees on or before March 15 annually noting the dates of the six (6) outdoor events/ festivals to be held that calendar year. Failure to provide this notice in a clear and timely manner will forfeit the ability to hold those six outdoor events/ festivals that year. Changes to the schedule of the six (6) outdoor events/ festivals shall be provided in writing and approved by all parties requiring notice not less than 30 days prior to the date of the rescheduled event.
4. The applicant shall identify on the final plans where fixed speakers for the outdoor uses are located. Such speakers shall be directed toward S Blair Street (northeasterly) and away from the residences located along S Franklin Street.
5. Only one performance space/ stage shall be allowed. The face of all portable speakers, amplifiers, and/or public address systems used for live music on the stage and outdoor recreation areas in the parking lot shall be directed toward S Blair Street (northeasterly, faces paralleling the Blair Street public sidewalk) to ensure to the extent possible that amplified sound is directed away from nearby residences. The final location of the

stages for the Summer Seasonal Layout Plan and Event Plan Layout shall be approved by the Director of the Planning Division or their designee prior to final approval and use of the stages.

6. Outdoor events/festivals using the Event Plan Layout (Sheet C-1.1) are limited to the six (6) events listed in the letter of intent. At all other times, the standard Seasonal Summer Layout Plan shall be used. No additional outdoor events/festivals shall be allowed unless approved by the Plan Commission.
7. When not associated with an approved outdoor live music/performance event, outdoor recreation, or outdoor events/ festivals, no outdoor amplified sound or similar sound-producing devices shall be allowed in the parking lot. No amplified sound of any kind (from radios, televisions, etc.) shall be allowed in the seated outdoor eating area adjacent to the Come Back In and Essen Haus after 9:00 PM seven days a week.
8. Doors between the establishments and outdoor eating and recreation areas shall not be propped open at all times to limit indoor noise from the establishments.
9. Occupancy is established by the Building Inspection Division. The outdoor capacity shall be established prior to final approval and use of the outdoor areas, and the occupancy shall be noted on the final approved zoning/site plans.

10. Separate approvals shall be obtained from the Alcohol License Review Committee and Common Council for the entertainment and liquor licenses needed to govern the use of the parking lot for the uses and events outlined in this request. The applicant shall work with Zoning, Planning Division, and City Clerk's Office staff to ensure that any restrictions on the conditional uses (hours, events, capacity, etc.) are reflected in the licenses for the three restaurants per MGO Chapter 38. Nothing in this zoning approval shall be construed as approval of the required entertainment and liquor licenses.

11. Note: Approval of any exterior alterations related to the proposed outdoor uses not previously approved by the Urban Design Commission shall be approved by the Urban Design Commission or its secretary prior to issuance of building permits.

The following conditions have been submitted by reviewing agencies:

City Engineering Division (Contact Gretchen Aviles Pineiro, (608) 266-4089)

This agency has reviewed the request and recommended no conditions of approval.

City Engineering Division—Mapping Section (Contact Jeffrey Quamme, (608) 266-4097)

12. The parcel at 516 E Wilson Street is part of the plan. It should be also included in the application.

Traffic Engineering Division (Contact Sean Malloy, (608) 266-5987)

13. All parking facility design shall conform to the standards in MGO Section 10.08(6).

14. The applicant shall provide a fence/barrier to be approved by the Traffic Engineering Division to secure their outdoor eating and recreation areas from encroaching onto drive aisles and the City right of way.

Parking Division (Contact Trent W. Schultz, (608) 246-5806)

This agency has reviewed the request and recommended no conditions of approval.

Fire Department (Contact Matt Hamilton, (608) 266-4457)

This agency has reviewed the request and recommended no conditions of approval.

Water Utility (Contact Jeff Belshaw, (608) 261-9835)

This agency has reviewed the request and recommended no conditions of approval.

Parks Division (Contact Brian Kowalski, (608) 243-2848)

This agency has reviewed the request and recommended no conditions of approval.

Metro Transit (Contact Tim Sobota, (608) 261-4289)

This agency reviewed the request and has recommended no conditions of approval.

Forestry Section (Contact Bradley Hofmann, (608) 267-4908)

This agency has reviewed the request and recommended no conditions of approval.