

From: [Heck, Patrick](#)
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Cc: [Verbick, Jim](#)
Subject: Alder comments on Agenda Items 18 and 12
Date: Sunday, August 14, 2022 7:41:37 PM

Please enter these comments into Legistar for ALRC's Aug 17 meeting. Thank you.

Agenda Item 18 - 21+ Entertainment License

I have spoken with the applicant and have no concerns about the application given their plans to have a security guard in the lobby area when having a performance. Their business model generally does not attract underage or problematic guests and the performances will be indoors.

Agenda Item 12 - Change in Licensed Premise

I have spoken with the applicant about this proposed change in licensed premise. While ALRC may find that the application can be granted, there will be a consideration by Plan Commission at a future time when the applicant is expected to request a Conditional Use Permit for an outdoor eating area associated with a food and beverage establishment. The proposed terrace/patio will not be allowable without that CUP.

Plan Commission's consideration of that expected application will include, but not be limited to, the regulations below (MGO 28J: Supplemental Regulations 28.151 Applicability) which apply in the Downtown Core (DC) zoning district:

Outdoor Eating Areas Associated With Food and Beverage Establishments .

- (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.

Given that the applicant expresses a desire for the patio to stay open until perhaps 1:00am and have amplified music, Plan Commission will have to grant those exceptions, recommend hours of operation, and judge the CUP itself based on any potential impacts on neighboring properties.

Also, per MGO§28.074(4), all new buildings and additions in the DC district that are less than 20,000 square feet and are not approved administratively, as well as all major exterior alterations to any building shall be approved by the Urban Design Commission based on the design standards in §28.071(3), if applicable, and the Downtown Urban Design Guidelines. I do not anticipate UDC's consideration to be a hurdle given that the patio will not be visible from the street, but its visual impact on neighboring properties will be considered.

So, as mentioned, ALRC may grant the expansion of premise and, if so, I recommend that ALRC look closely at management and safety plans for the patio, including any concerns about capacity. Generally, Plan Commission will rely on ALRC's expertise in these matters and in matters related to potential impacts related to the hours of operation, although Plan Commission will also weigh in on the latter given the Standards of Approval for granting a CUP.

In an analogous situation, PC recently approved a CUP for a new outdoor 2nd floor terrace at Red Rock Saloon, 222 W. Gorham. The applicants in that situation chose to secure the CUP (and UDC approval) before going to ALRC for a change of premise, although I anticipate that change of premise application will be coming your way this fall or winter when the terrace is under construction. In some ways, it seems their approach (getting the CUP and Plan Commission's input first) seemed logical at the time, but it may be that 7 Iron Social's approach (getting the change

in premises first) will work also work.

One other note: I heard from the applicant that the apartment building to the east, generally the only one likely impacted by the proposed patio, is in favor of the application. I have not heard that first hand. I was not planning on conducting outreach to the neighboring properties until the CUP is on Plan Commission's calendar.

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