

Date: 04-01-2007

To: Plan Commission Members  
From: Jon Okonek, Johnny O's Restaurant and Bar  
RE: Rooftop terrace

Plan Commission Members,

Thank you for listening to our proposed rooftop terrace project at Johnny O's last month. As I mentioned, I will be out of the country for the meeting on Monday. I will have two of my general managers, Marshall Childs and Lynette Childs, present in case there are any questions.

To recap our project, we would like to put in a rooftop terrace above Johnny O's at the southeast corner of the building, 620 University Ave. The terrace would have a max. capacity of 89 persons. Total capacity of Johnny O's would remain the same. All access to the terrace would be from within Johnny O's. The structure would be a very simple construction, with an outdoor deck/tiki bar feel. Since last month's meeting, I have met with Jeff Erlanger from the neighborhood Assoc., as well as came to a support agreement with the Fluno center and Mr. Langhammer of the Varsity. All area tenants we spoke to, as well as those present at the neighborhood meeting, were without exception, very supportive and excited for the project. Per our agreement with Mr. Langhammer and the Fluno center, we will make additional efforts to contain any crowd noise the terrace may produce. These measures will include a higher wall for the enclosure, sound absorbing material on the walls and ceiling of the bar enclosure and the gazebo, and also to keep our small directional speakers aimed down from the structures.

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Johnny O's would like to provide a better product to our customers during the warm months of the year, as well as during the hours between noon and 10pm. The Madison smoking ordinance has also created some subsequent concerns and challenges. During late night business, our front door is a constant flow of customers exiting/entering, as well as large numbers gathering out front, especially during warmer weather. This crowd sometimes is in conflict with the sidewalk as well as neighboring bar crowds. The rooftop terrace would help us to internalize our crowd, greatly reducing the crowd out front, as well as the constant exiting. Instead of out front and on the sidewalk, most of this crowd will be 12ft above, within Johnny O's business space.

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Lastly, this area of University Avenue is already perhaps the noisiest area in the city. This increases as the weather gets warmer with motorcycles, vehicles cruising, increased foot traffic and loitering, etc. We also have four air handling units and five exhaust fans on the roof directly behind the proposed terrace. We feel that do to all the inherent noise factors that exist in the area already, our terrace project would not have any effect on the present level of noise.

I believe any area concerns have been addressed and hope the commission will approve our proposed project.

Thank you again,

Jon Okonek  
Owner, Johnny O's Restaurant and Bar

## Herrick & Kasdorf, L.L.P.

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Patricia K. Hammel  
Scott N. Herrick *Court Commissioner*  
Robert T. Kasdorf *Trustee in Bankruptcy*  
Juscha E.M. Robinson  
David R. Sparer

Robert L. Reynolds, Jr. (1930-1994)

April 9, 2007

Memo to Madison City Plan Commission

From Scott Herrick, attorney for Harold Langhammer and The Varsity of Madison LLC (632 University Avenue)

Re. 620 University Avenue: conditional use request

My clients and Mr. Okonek have reached the attached agreement which, if approved and adopted by the Plan Commission, provides for withdrawal of our opposition to the conditional use.

SH/hs

att.

c Jon Okonek

### Law Offices

16 N. Carroll, Suite 500  
Madison WI 53703

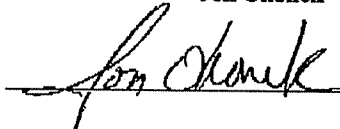
Peter Zarov *of counsel*  
Gretchen Twietmeyer *of counsel*  
Roger Buffet *of counsel*

Memorandum of Agreement

1. The parties to this agreement are
  - a. Jon Okonek ("Jon"); and
  - b. The Varsity of Madison LLC ("The Varsity").
2. The subject of the agreement is Jon's pending conditional use application regarding 620 University Avenue.
3. Facilities and operations at 620 University Avenue will comply with the recommendations and specifications described in the April 5, 2007, letter of Jon's architect Pat Schmitt, attached, as further described in the attached project drawing.
4. Any conditional use allowed by the City of Madison shall be contingent upon such compliance, and any failure of such compliance at any time subsequent to the granting of the conditional use permit shall be a breach of the conditional use permit.
5. In reliance on this agreement, and in the expectation that the terms of this agreement will be approved and adopted by the City of Madison, The Varsity withdraws its opposition to the pending conditional use application.

Jon Okonek

The Varsity of Madison LLC

 4/7/07  
[date]

by:  4/7/07  
Harold Langhammer [date]



April 5, 2007

To whom it may concern:

This letter is being written to address certain concerns of Mr. Harold Langhammer in regard to the rooftop garden as being proposed by Mr. John Okonek for his neighboring establishment, Johnny O's. It is our understanding that the major issue of concern is the control of potential unwanted noise potentially generated by this outdoor facility.

Recommendations, made by Mr. Langhammer's architect, David Ferch, to alleviate this potential problem include:

- Adding several feet of height to the service bar enclosure.
- Design the enclosure to create a band shell affect that in essence would deflect unwanted noise.
- Adding acoustical insulation to the wall and ceiling of the enclosure.
- Using sound absorbing materials on the exterior of the enclosure
- Construction of the enclosure should be of materials that will compositely achieve a relatively high STC rating as appropriate for this type of facility.
- Speaker system to be carefully designed to direct sound only toward the seating area and maintain a decibel level appropriate to this type of facility. Speakers will be oriented away from the Varsity Building. The speakers will be small. Their intended use is for calling up orders and background music only. Speakers will be turned off after 10:00 pm.

We have contacted a local establishment that had similar neighborhood concerns regarding the sound level of music emitting from their outdoor beer garden. They are limited to 65 decibels. We propose that the same level be used as a guideline for this project. In addition we propose an STC (sound transmission coefficient) rating of 55 to be used in the construction of the enclosure. This is the recommended level of sound isolation as for this type of facility

The design of this facility will incorporate means of addressing all of these issues. Our intent is to prepare drawings that will indicate how we intend to address the above issues architecturally. We will work with the concerned parties to achieve a product that is both appealing and functional to the user, but not posing as a detrimental nuisance to the concerned parties.

We welcome you to review our design as it proceeds and will strive to achieve a final product that will please all parties involved.

Sincerely,

Pat Schmitt AIA

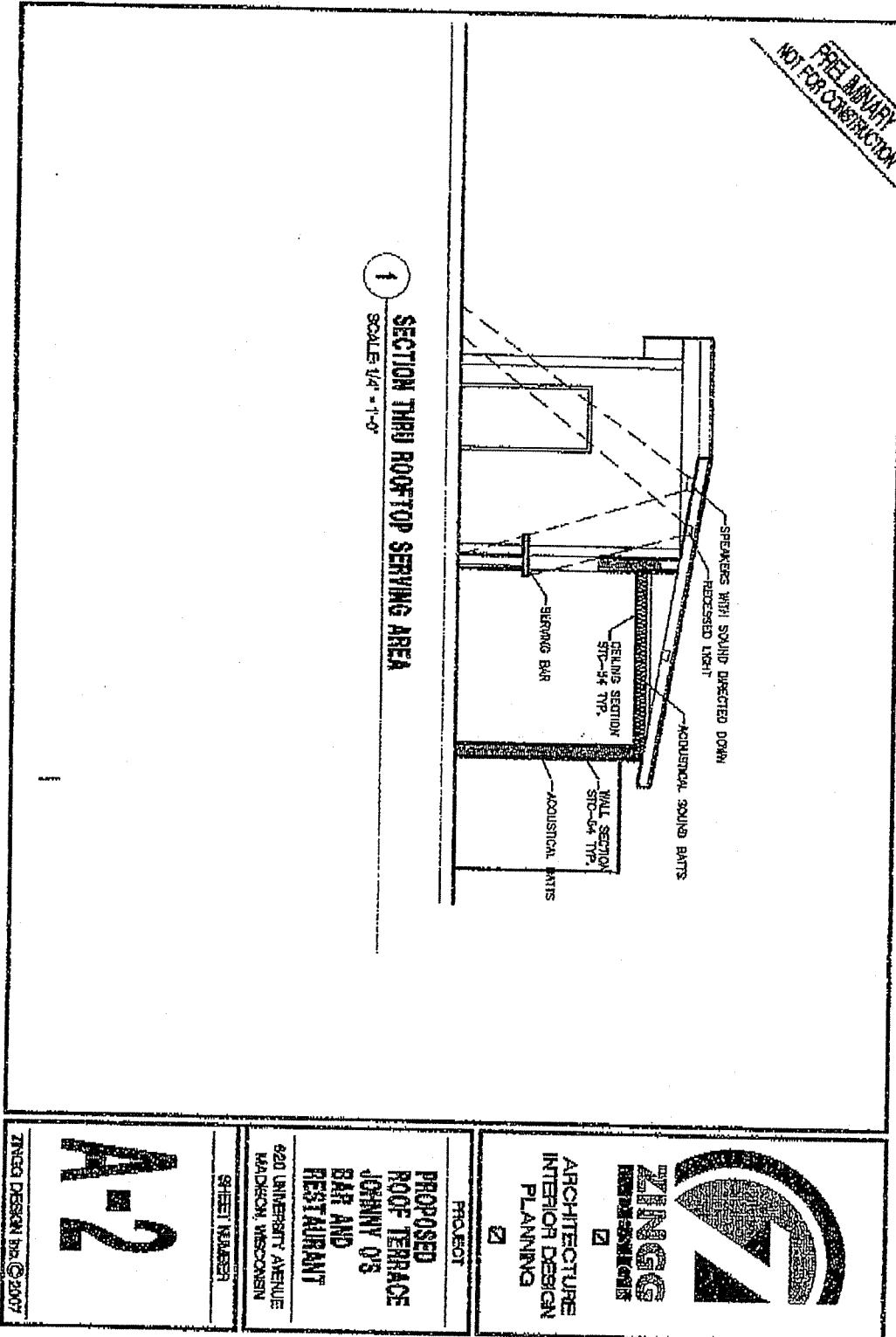
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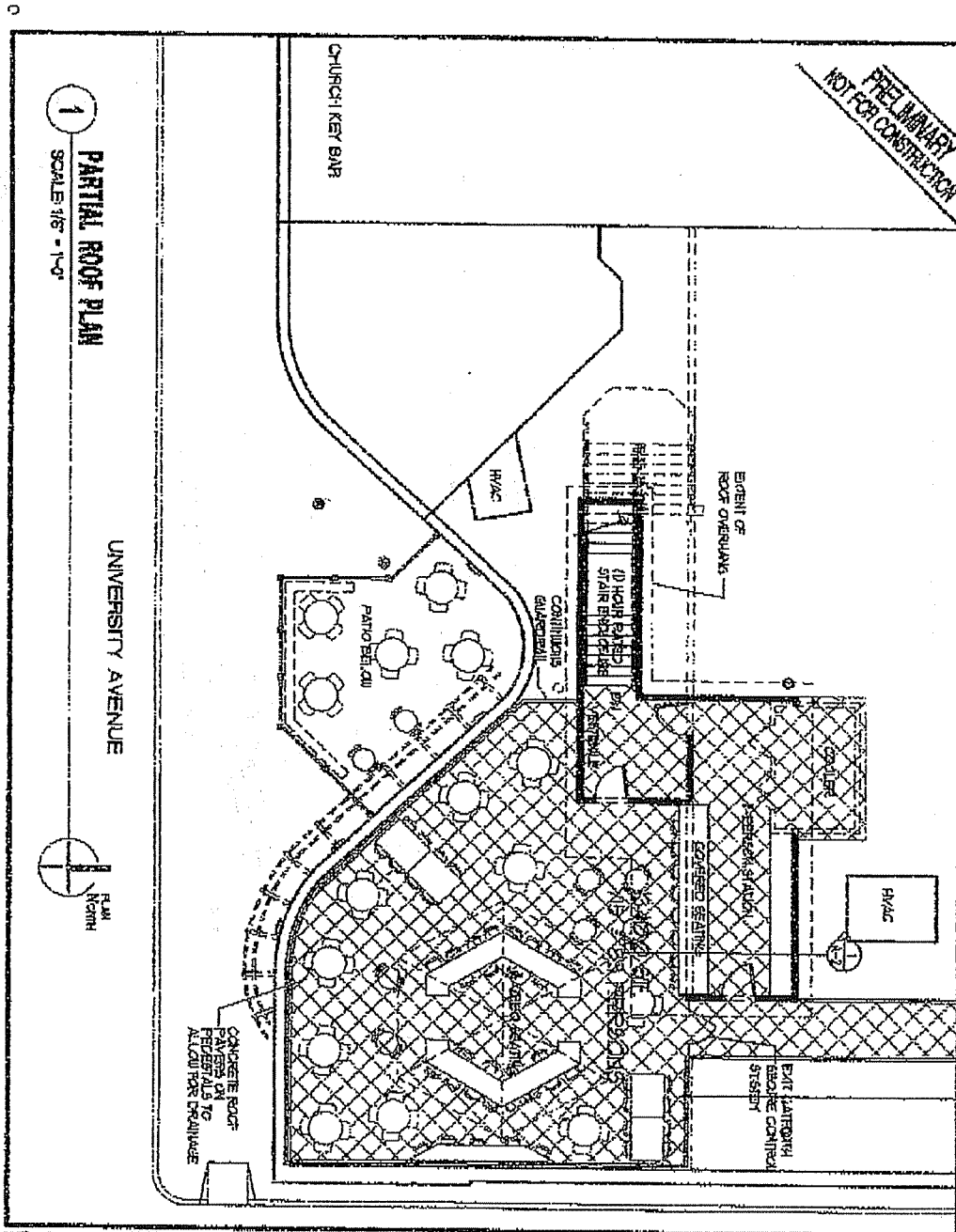
Pages: 1 Fax #: 255-6331

ATTN: HAROLD - CENTRAL PROPERTIES

Note: DAVID A. FERCH Architect

CONFIDENTIAL TRANSMISSION

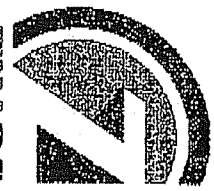




PRELIMINARY  
NOT FOR CONSTRUCTION

1 PARTIAL ROOF PLAN  
SCALE: 1/8" = 1'-0"



 <b>ZINGG</b> ARCHITECTURE INTERIOR DESIGN PLANNING	PROJECT <b>PROPOSED          ROOF TERRACE          JOHNNY O'S          BAR AND          RESTAURANT</b>
	620 UNIVERSITY AVENUE MADISON, WISCONSIN
SHEET NUMBER <h1 style="font-size: 48pt;">A-1</h1>	
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