



Conditional Use Letter of Intent

Project Team: Benjamin Altschul (owner/operator Tip Top Tavern)
Jane Capito (property owner 601 North Street)
Ed Linville, of Linville Architects LLC (noise abatement consultant)
Al Rasho (managing partner)
Patti Cross (administrator)

Existing Conditions: Outdoor patio used for dining and seating in 2014 and 2015; 1156 sqft

Previous Approved Conditional Use: Tip Top Tavern Outdoor Patio, 601 North Street, Madison

1. The use of the outdoor seating area by tavern patrons is not allowable after 10 pm
2. There shall be no outdoor amplified sound associated with the outdoor seating area

Proposed Improvements: Noise mitigation enhancements

Project Schedule: Noise mitigation currently underway. Projected completion April 2016

Proposed Hours of Operation: Monday-Saturday 11 am – 10 pm; Sunday 9 am – 10 pm

Building Square Footage: 800 sqft serving area main bar; 250 sqft serving area salon.

Auto and Bike Parking Stalls: Parking area measures 2232 sqft and includes one handicap parking stall, three regular parking stalls and enclosed dumpster corral. Bike parking measures 300 sqft with four city-regulated bike rack parking spaces, 2 ft x 6 ft holding up to eight bikes.

Estimated Sound Mitigation Project Cost: \$5100

The Tip Top Tavern located at 601 North Street includes an outdoor patio (1156 sqft) which is a crucial element of our day to day operation and has been utilized since 2014.

On July 27, 2015, in response to a conditional use violation complaint filed by a neighboring resident, the Planning Commission decided to allow the patio to continue to operate under the then existing conditional use permit with the requirement that the Tip Top do what it could to mitigate noise during operating hours and reapply for its conditional use after December 2015.

The Tip Top is whole-heartedly committed to our neighbor's well-being and the enjoyment of their homes and property. In response to the Planning Commission's ruling, the Project Team met with Matt Tucker, on August 20th to discuss our proposed noise mitigation compliance plans. The meeting was very productive and well received by all participants. Since that meeting, the Tip Top has diligently taken steps both through immediate procedural guidelines and implemented physical alterations to mitigate the level of noise emanating from the patio to the best of our ability.

Immediate Compliance, 2015

- The patio door remains closed at all times – never propped open
- Employees must adhere to the Patio Closing Checklist – no exceptions (see attached checklist)
- No patrons may utilize the patio area after 10 pm – no exceptions
- Wall signage requesting quiet enjoyment of the patio in respect of our neighbors (see attached sample)
- Employees were counseled on the importance of operating the patio in a manner to ensure quiet enjoyment
- Employees have been counseled on appropriate ways to achieve patron cooperation/compliance and ways to adequately deal with unruly and unreasonably loud patrons
- Participate in Eken Park Neighborhood Association meetings and be receptive to comments/concerns

Initial Noise Abatement Measures

- Patio is surrounded by a solid 8' wooden fence with additional 2' of lattice above.
- One-third of patio is roofed with a trellis-covered pergola (northeast corner adjacent to complainant's property). Four fast-growing hop plants planted along fence will eventually cover pergola roof.
- Maple tree planted (early May 2014) in center of patio (see attached site plan). Although currently too small to have an immediate measureable impact, eventually the tree will grow to create a living canopy to cover a majority of the open-air patio area.

Proposed Improvements, 2016

Sound Issue: Tip Top Tavern building's masonry wall bounces sound up and into neighborhood.

Abatement Option: Reduce and/or refract sound through the use of:

- Sound absorbing panels (see manufactures statement attached)
- In addition, a commissioned mural, painted on parachute canvas, will further dampen/refract sound and improve ascetics. Completion of the mural TBD.

Sound Issue: Large open-air area above patio allows sound to carry up into neighborhood.

Abatement Option: Cover or reduce open area:

- 6 Larger, heavier fabric umbrellas positioned at various heights to absorb and/or refract sound

Sound Issue: Fence is currently solid to 8' with additional 2' of lattice above.

Abatement Option: Promote sound absorption or disruption/refraction:

- Install, in an intermittent pattern, sound absorbing panels directly on fence
- Plant vines such as hops, trumpet vine, clematis, along the length to create a living wall to absorb and/or refract sound. Planting to be completed spring 2016.

Open Communication, continual

- Send notice with contact information to all neighbors through Eken Neighborhood Park Association that we are open to suggestions, comments, and other possible solutions that may come to light through feedback from the community.
- Periodically check-in with adjacent neighbors for their continued feedback.
- Continue our dedication to having a positive impact on, and being an integral part of, the neighborhood and our community.

Benjamin Altschul, Owner, Tip Top Tavern