

From: [REDACTED]
To: [Plan Commission Comments](#)
Subject: Meeting 01/22/202, 4506-518 E Wilson Street & 134-148 S Blair Street
Date: Friday, January 5, 2024 1:17:01 PM
Attachments: [Public Comments_05-05-23_05-08-23.pdf](#)

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Greetings,

I again request this proposal not be granted. I have attached all of the previous public comments regarding this issue and ask that they be considered for the meeting on January 22nd. For the many immediate neighbors of this establishment allowing the requested 31 weeks of music three times per week plus six special events would be roughly 100 outdoor live music events for the year, which is not reasonable. Last year the commission approved a scaled back version of this request which amounted to roughly 55 events including special events. I contend that this is still far too many live music events for a residential neighborhood. The nights approved last year were Sunday and Monday. I take issue with this part of the approval as well. Having a rock band playing just feet from or homes every Sunday night does not seem like something residents should be forced to endure. If you feel compelled to compromise once again with this establishment, please consider approving one weeknight per week with enforced clearing of the patrons at 9:00 p.m.

100 block resident of S Franklin St. Please keep my contact information confidential.

Thank you!

From: [REDACTED]
To: [Plan Commission Comments](#)
Subject: #77018 - 508-514 E. Wilson St. & 150 S. Blair St. KBA Project #2042 May 8th Planning Meeting
Date: Monday, May 8, 2023 10:14:10 AM

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Dear Planning Committee,

Thank you for taking the time to review and include our letter to the committee. We wish to remain anonymous and have our email redacted as we do not want our commentary to affect our relationships with our neighbors.

After reviewing some of the public comments, several existing news articles from 2022, as well as the history of both the buildings and attempts to re-imagine the E. Wilson St. establishments, my spouse and I have reached a few conclusions:

- Clearly there are passionate and varied opinions and feelings on the topic. It is hard to imagine that the most vocal opponents and most vocal supporters can simultaneously provide an accurate portrayal of the situation, given some of the comments that have appeared. It appears that there is a lot of mistrust between parties and that currently the focus is on getting what specific individuals desire, not about collaborating and finding a reasonable best solution for the entire community.
- If some of the claims in the comments and news articles are true about retaliation towards residents in the area, that is deeply unfortunate and shows a lack of good faith towards finding a reasonable solution that isn't motivated solely out of self-interest.
- It appears that some of the claims appear exaggerated, especially in regards to the volume of music. This is not meant to diminish that there is validity in concern for residents of the higher odd 130s and the odd 140s of S. Franklin St., but beyond those initial several dwellings (and especially in regard to those even numbered addresses closer to E. Main St.) the claims of disruptive volume seem highly unlikely to be accurate.
- We have lived at an address that directly backs up to the S. Blair St. parking lot that sits directly behind the E. Wilson St. properties both during the time that outdoor amplified live music existed, and more recently when it has not existed. We have experienced the music volume in person in the patio area, from being outside in the general vicinity of the establishments, and from our residence (mostly in our outdoor space, but occasionally from our indoor space). The biggest takeaways seem to be that the location of the stage/speakers have the largest overall impact. When the set-up is less than roughly 100 feet away, the music can be heard inside residences. This is understandable for the six major events per year, but should necessitate for additional dialogue and reasonable compromise for the needs of residents that this would affect on a regular basis. **However, one important thing to note is that when the set-up is roughly 100 feet away or further, the noise does not easily enter residences. If one chooses to sit outside and/or open doors or windows it would be expected to experience the music at a reasonable volume.** With predictable and reasonable time constraints in place (like currently proposed) it would be reasonable to state that in such a situation, the music would not be imposing an unreasonable and unbearable burden on residences (given the above 100 feet caveat). It would amount to at most similar neighborhood

noise that already exists from trucks, trains, and late-night patrons of these establishments, all of which are generally predictable, accepted, and not overly burdensome given the context they exist in.

- The location of the proposed set-up for the Up North outdoor amplified music seems extremely reasonable. However, given the current proposed set-up of continuing the existing set-up for the Come Back In outdoor amplified music, the proposal seems short-sighted and does not appear to take into account the potential disruption to the neighborhood. Given that all of the establishments and parking are owned by the same owner, it seems reasonable that alternate spaces in the patio area/parking area of the establishments could be pursued. This may not be the most convenient or cheapest solution for the existing owners, but it seems reasonable, and would show a commitment to trying to be reasonable toward neighbors. Alternatively, a commitment to pursuing lower volume or more acoustic music could show a similar reasonableness to concern for the residents closest to the current set-up (in the event that moving the location of the set-up is indeed extremely burdensome).

- It appears that the plan does much more than existed in the past in order to try to rectify some of the past issues and complaints in regards to the amplified live music, especially with creating a predictable schedule limited to only a few nights a week that ends at a reasonable hour in the evening. However, there are still some gaps in either addressing or at a minimum providing a structure for addressing some of the important existing issues. In our opinion, this is a sign of at least some good faith, while at the same time a signal that more discussion and thought needs to occur before the plan should be implemented. At the very least, a plan should exist that shows a path(s) to resolving the outstanding reasonable concerns.

We want to advocate for continued dialogue on this topic and progress towards a solution that is reasonable and positive to the neighborhood. We believe that the outdoor music element (if done reasonably and respectfully) provides an added benefit to the community and was an enjoyable aspect of the neighborhood in the past. That is not meant to diminish some of the valid concerns and voices of members of the neighborhood. There appears to be the opportunity for a positive outcome, but both sides of the current conflict will have to be willing to forgive the past, reasonably come to the table to find a solution that is positive for multiple constituencies, and trust that others are acting in the best interest of the community and not selfishly.

Sincerely,

Residents of a property on the east side of the 100 block of S. Franklin St.

From: [REDACTED]
To: [Rummel, Marsha](#); [Plan Commission Comments](#)
Subject: Essen Haus live music application comments
Date: Sunday, May 7, 2023 5:20:09 PM

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Hi,

I'm a homeowner on South Franklin Street and I'd like to express my concerns with the proposal to permit amplified outdoor music in the parking lot behind Essen Haus, Up North, and Come Back In. Given the behavior of these establishments the past few years, my default assumption is that they will not comply with the rules/guidelines in an approved plan, and instead will push the boundaries of what's permitted.

1. My primary concern is volume. Over the past couple of years, there were certainly evenings where the music volume was reasonable. There were also times when the music was audible while I was walking my dog as far as the corner of E Mifflin and N Butler, which is far from reasonable. Could a definition of reasonable volume include a distance from the source at which it can be heard? What would enforcement of that look like?
2. A few months ago Bob Worm proposed an initial plan regarding a schedule. The hours proposed (4-9pm) are quite long, especially when considering that they plan to have a sound check prior to starting at 4. What time can the sound check begin? How long can the band rehearse and at what volume? Is it acceptable for them to start at 2:30 and play an hour long warm up set at full volume while people who work from home attempt to attend zoom meetings?
3. Bands often play 15-20 minutes past their scheduled time. It's common to hear a band leader announce a few minutes after the concert end time that they have "just a couple more songs" to play. When this happens, what does the process look like to ensure it doesn't become a pattern? I can imagine that if we called for a noise complaint at that time, it might take longer than 15-20 minutes for a response after which the band may have stopped.

This is somewhat unrelated, but I'm amazed that this is even an issue, given that there's no reason we should have such a large surface parking lot downtown.

Thanks,
[REDACTED]

From: [REDACTED]
To: [Plan Commission Comments](#)
Subject: Comeback inn Comment
Date: Friday, May 5, 2023 4:18:16 PM

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Hello,

I wish to have my name and email Redacted as I fear retaliation.

I am a 10 year resident of the neighborhood where the Comeback Inn is located. My home is directly affected by just about everything that happens there. All the events and everything. The peace and quiet of my home is dramatically affected with the excessive noise.

In my experience I have found those who handle the entertainment to be rather bullying. Also, The noise from the drunks, parties, music, and all the events gets to be too over bearing when it's every day. None of the neighbors as well as myself can't just turn the music off, change the type of music, or have a say so in the volume.

Awhile back they learned I had complained about the music and then when they had a big event they deliberately re-adjusted where the bands set up and put the music outside of my deck. When this was brought up in the meetings they said they did so because they thought I liked and supported music. It was excessively loud and they laughed at me when I asked about it. Their general attitude has always been screw you. We do whatever we want because WE are a business and HAVE to make money and YOU HAVE TO deal with it! I cannot express how it feels like that at times.

I'm my opinion the neighborhood is much nicer without the daily loud music. The parking lot seems to be more full than ever. More people walk around and it just feels more pleasant.

There have been other bullying behaviors as well. For years the general consensus was "we can do what we want and if you don't like it, TOUGH!!" At least in my personal opinions and experiences.

They never made ANY efforts until outdoor music became a serious issue for them. Only then they bothered to ask neighbors and stop the retaliation.

Absolutely NONE of the staff and Definitely the owners would tolerate what they have put the neighborhood through with the loud music. I'd bet money that if I were to exercise my rights and okay loud music outside their homes at the very same hours they would call the police and use personal favors to get their way.

My feeling is that they got away with not following the laws for so many years and did what we they want, they should be restricted for the same amount of time. They did in fact show their true colors when they avoided the laws at the expense of others.

PLEASE don't allow the outdoor music. The neighborhood is so so so much quieter and nicer without it. We still have to deal with noise and partners and the rest. They cannot control or regulate that mess but they can and should have always followed the rules and laws.

I'm my opinion, they just don't like being told no or to be held to the same standards everyone else is.

Thank you,

Good Citizen

From: [REDACTED]
To: [Plan Commission Comments](#)
Cc: [Rummel, Marsha](#); [Stouder, Heather](#)
Subject: #77018 - Objection to alteration - 500 block E Wilson
Date: Friday, May 5, 2023 1:30:57 PM

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Please **redact** my email address from the publicly posted comment.

I am submitting a comment of opposition to the request made in file 77018 to alter zoning to allow additional events, notably amplified music, in the parking of the businesses along the 500 block of E Wilson (506-518 E Wilson Street and 134-148 S Blair Street). Adding an additional ~95 events on this residential block is unacceptable.

I am one of many residents who has been adversely affected by the actions of the businesses related to the unauthorized music and events the last three years. The volume was EXCESSIVE (I personally heard the music as far as E DAYTON St). The business did nothing substantive to address neighborhood concerns, essentially ignoring the concerns. The events described and experiences shared in the comments submitted thus far match my observation and experience in meetings with the business and city officials, living near the businesses, and in dealing with the business parties involved.

The current plans do nothing to address the issues previously experienced and provide resident with little recourse to address adverse consequences. The entertainers have previously started before scheduled start and play past scheduled end. There is NO answer for addressing volume by the city and no course of action for residents to take when volume level is excessive. There is no substantive plan to address safety and capacity, something that should have been addressed long before.

The businesses have successfully had music INDOORS for years, many nights a week. As an observer, the lots have been full after ceasing the outdoor music. The outdoor tables were full of people without outdoor music. They are fortunate to have a loyal clientele, including area residents.

I urge the PC to deny the application.

Respectfully,

Resident, [REDACTED]

From: [REDACTED]
To: [Plan Commission Comments](#)
Subject: May 8th, 508-514 E Wilson St & 150 S Blair St KBA Project #2042
Date: Wednesday, May 3, 2023 2:54:13 PM

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Hello,

I am writing regarding the proposed plan by Robert Worm to legally expand his live outdoor music to three night per week March-October as well as expand their already granted six one day events to six, two to three day events. This amounts to well over 100 concerts per season,

I ask that you turn down this request out of hand.

This Business has been a noise and blight nuisance for years. City staff determined nearly two years ago they did not have proper zoning for the seven nights per week of outdoor live music concerts they were having, and this business was made aware of that fact. They defiantly continued with seven nights of outdoor music for several more months. After dozens of neighborhood complaints to the business, Milwaukee PD, and City staff, finally they stopped after a threat to prosecute and begin fining by the The City Attorney.

I am a resident on the 100 block of South Franklin and must remain anonymous due to intimidation tactics against those who have publicly made complaints in the past.

Kind Regards

[REDACTED]

From: [REDACTED]
To: [Plan Commission Comments](#)
Subject: Essen House / KBA Proposal-Application
Date: Tuesday, May 2, 2023 2:44:50 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Bob Worm (Essen House companies) and KBA Architect Project #2042 is unacceptable for our historic neighborhood. They are asking for three outdoor events per week from March 15th to November 1, plus the additional 6 yearly events. Here's the math: 96 weekly events + 6 special events = 102 events per year. This is unacceptable in our historic neighborhood.

There are also issues with the removal of handicapped parking, excessive noise levels, drunk crowds, security. If the city wants people to live downtown, we can't have businesses reducing "quality of life" for the entire neighborhood. We recognize the need for a successful business, but Bob Worm is being greedy and unreasonable by trying to place a concert venue in the neighborhood.

[REDACTED]
Madison

From: [REDACTED]
To: [Plan Commission Comments](#)
Subject: Opposition to alteration of 506-518 Wilson St to allow outdoor events May 8th Meeting
Date: Tuesday, May 2, 2023 11:41:36 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Planning Committee:

I am writing in opposition to the proposed alteration to the District-Specific Implementation Plan for Essen Haus, Up North, and Come Back Inn Taverns. As a direct neighbor of these establishments for the past 5 years, I have seen the occasional small and quiet outdoor music event grow into almost nightly full-blow outdoor concerts with raised stages, increased amplification, and no regulation of crowds or concern of volume levels. I, along with many of my neighbors, approached the owners and managers of these establishments multiple times with respect and courtesy to discuss how the noise, which we could hear inside our house, was disrupting our lives. We were ignored, told to deal with it, or worse, the volume increased to retaliate against us. With these concerts happening multiple nights a week and driving us out of our homes, we started to investigate what we could do. We learned that there were no permits given for any outdoor music outside of 6 special events and that the owners, who hand-altered their liquor license yearly to include these 6 outdoor events, were knowingly in violation multiple times a week. We also learned that the outdoor seating had expanded for these concerts well beyond what was permitted and no attempt, not even to even get the free streetery permit, had been taken. Our only recourse was to call out these violations in an effort to live a peaceful life in our homes once again. I ask that you familiarize yourself with the past violations, police calls, and history when considering any changes to the implementation plan. This was not the course of action we preferred. It is an unpleasant process to report these violations and we were inevitably portrayed as uncompromising neighbors when in fact it was the Essen House owners who proved to be unwilling to work with us and were not open to any compromise of any kind. Please also consider the density of our neighborhood. Live amplified music can't happen outdoors at this establishment without great disturbance to the people living not only directly on the property but to those who are the recipients of the music bouncing off of buildings and into their homes. Many of us work as well as live in our homes and have diverse schedules. Sometimes we need to work past 6pm or have a shift where we need to sleep early. We should not be driven out, whether to work or sleep, on a regular basis because of a loud band playing practically in our backyard.

Comparing this situation to the Edgewater Hotel, when they were eventually allowed live outdoor music, they had never received a citation and vowed and proved to be good neighbors and work together with the neighborhood concerns. This is not the case with the Essen Haus establishments. The Edgewater also has decibel level restrictions, and measurements of those levels every 30 minutes starting during the band warm-up, and most importantly, by professionals including a professional sound engineer. They also have a shell to contain the noise. The Essen Haus establishment hasn't offered any of these compromises

and is counting on a claim of ignorance and self-monitoring which is both untruthful and unrealistic.

We are a neighborhood of diverse means that includes some of the last remaining affordable housing in the downtown area. I have to wonder if more prominent individuals lived in our neighborhood instead of the Edgewater Hotel neighborhood if we would be facing these same challenges with a business that has not followed established regulations and is proposing a plan without consideration to the neighbors who live in their backyard. I believe the standards should be equal for all residences in the downtown area, even those of lower economic means.

Please consider leaving the zoning and outdoor music restrictions in place knowing that there are indoor stages and concert venues inside of these businesses that can be utilized for the same purpose. Also, consider the disrepair and unsafe conditions of these buildings that if repaired could be a first logical step for these owners to increase their business.

With respect,
A Franklin Street resident

From: [REDACTED]
To: [Plan Commission Comments](#); tony.fernandez5@gmail.com; klanespencer@gmail.com; mcsheppard@madisoncollege.edu
Subject: 508-514 E Wilson St & 150 S Blair St KBA Project #2042 MAY 8TH PLANNING MEETING
Date: Wednesday, April 26, 2023 7:17:58 PM

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Greetings,

I am writing in opposition to approving this plan for any additional live outdoor music at the above property. There have been nearly three years of complaints called into the business, city officials, and Madison PD. I ask that before moving forward with approval that Matt Tucker from Zoning, City Attorney Zilavy, and Caption Zanders from MPD be contacted for background information about the problems the neighborhood and city staff has had with this business over the last 3 years. Below are comments I made during a meeting organized by Zoning on January 29th regarding this plan coming before you. During this call city officials stated that the plan lacked sufficient details needed to be approved. It seems this latest version is no different. The business currently is allowed six 1-day outdoor events per year. For most of us living in the 100 block of S Frankin that is quite enough. Thanks for your consideration.

To
Matthew
Tucker
via
email:
1/30/2023

I did
not
hear or
see
any
actual
plan
from
the
Worm
team
to
mitigate
the

noise
problem
coming
from
live
music
events,
or
even
that it
has
been
an
issue
at all.
Nothing
in the
plan
addressed
this. It
was
really
just
more
of the
same.

Leaving
noise
management
up to
responding
officers
does
not
work.
While I
think
they
are
typically

thoughtful
and try
to be
helpful
they
are
also
busy
and
they
do not
always
have
time to
understand
the
disruption
the
music
causes
in our
homes
not to
mention
spending
time
outdoors.
There
is no
way
that I
see to
manage
or
enforce
restrictions
on
amplified
music
in this
neighborhood.

"This is
part of
living
in an
urban
environment"

was
something
that
was
mentioned
again
in the
meeting.

From
my
personal
experience
living
in
other
downtown
Madison
neighborhoods,
as well
as in
downtown
Milwaukee,
downtown
Pittsburgh,
downtown
Chicago,
and
downtown
Phoenix
I can
assure
you
that
amplified
music

75 feet
from
my
front
door
multiple
times
per
week
was
never
part of
the
expected
or
actual
urban
living
experience.
I think
that
argument
is
absurd.

Mr.
Worm
"caring"
about
and
"working"
with
his
neighbors
and
neighborhood
does
not
align
with
his

actions.
He and
his
team
have
repeatedly
and
knowingly
disregarded
and
become
defiant
and
even
hostile
to
neighbors
and
city
personnel
when
faced
with
zoning
and
noise
complaints.
This
argument
also
falls
apart
when
you
look at
the
condition
of his
property.
It is
blighted

and an
eyesore.

I did
not
hear
any
actual
security
plan
other
than
the
customers
will
police
themselves.

Two
outdoor
managers
that
Mr.
Worm
mentioned,
that
are
also
serving
drinks,
already
have a
difficult
time
managing
the
crowd.
There
is
constantly
a
group

of loud
intoxicated
people
drinking
and
smoking
on the
walkway
from
CBI to
Wilson
St
clearly
outside
the
designated
areas
and
nothing
is ever
done
to curb
this.
We
have
also
witnessed
countless
drug
deals
involving
their
live-in
(upstairs)
kitchen
help
on
Wilson
St. So
the
fact

that
they
think
they
are
and
can
manage
their
staff
and
patrons
with
two
people
is
laughable.
I hope
Mr
Worm's
comments
on this
issue
give
the city
pause.

In
summary:
Looking
at and
listening
to Mr.
Worm's
proposal
I did
not see
any
effort
at all in
the

plan to
address
the
issues
that
we
have
been
dealing
with
for the
past
two
years
and
based
on this
do not
believe
he
takes
any of
the
concerns
seriously.
I also
do not
believe,
based
on past
behavior
that he
can be
trusted
to
adhere
to any
rules
or
restrictions
the city

imposes.
Enforcement
of
violations
takes
months
and
multiple
warnings
before
it
becomes
a
deterrent
and he
knows
this
and
works
the
system.
As you
mentioned
in the
meeting,
once
there
is an
approval
little
can be
done
to
make
changes.
This
proposal
is a
grave
concern
and

ask
that
city
staff
give
this
issue
serious
consideration
when
contemplating
approval.
For us
Mr.
Worm
has
used
up the
goodwill
and
compromise
that he
now
asks
for. I
don't
think
he or
his
staff
can be
trusted
to do
the
right
thing.
Please
do not
move
his
request

forward.

As
always
thanks for
all you
do.
Have a
good
day.



From: [REDACTED]
To: [Plan Commission Comments](#)
Subject: 508-514 E Wilson St & 150 S Blair St KBA Project #2042 planning meeting May 8th 2023
Date: Tuesday, April 11, 2023 7:53:27 AM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Greetings,

I live on the 100 block of S Franklin Street within 75 feet of this property. For well over three years, this business has blasted the neighborhood with live amplified music up to seven nights per week yet never had zoning to do so. After dozens of complaints to the business, the police (caption Zanders), City Staff (Matt Tucker, Attorney Zilavy, Alder Benford), multiple meetings were held with the business, the neighbors, and all parties involved. They were told over two years ago that they did not have proper zoning to do this yet they continued with seven nights per week of amplified live outdoor music. Another meeting was held at the business with Matt Tucker again telling them they were in violation of their zoning. They ignored this and continued on. City Attorney Zilvoy was asked to investigate the matter and found they indeed were in violation. Upon learning this, a virtual meeting was held with all parties involved, where the business was told they were in violation and would face prosecution if they continued. The business had invited reporters to the call which triggered a madison.com article that stated neighbors names and addresses that were in opposition. This caused multiple late-night harassment incidents from intoxicated patrons who were no doubt fired up by the owner and his daughter (the bar manager).

Finally, the music stopped. I implore that this new plan of theirs does not move forward in any way described in this plan. This business and its leadership has proven themselves defiant and combative when held to account. They have shown now goodwill to their neighbors and lack empathy or understanding of how their actions impact others. They are currently allowed six one-day events per year on pre-determined dates. These events need to be further defined including noise mitigation, security, and the timeframe of live music.

I must remain anonymous due to the aggression and intimidation this business has deployed in our neighborhood.

Respectfully

Franklin Street Neighbor 1

From: [Rummel, Marsha](#)
To: [Parks, Timothy](#)
Subject: Fw: [D6] Essen Haus
Date: Saturday, May 6, 2023 11:13:14 AM

Marsha Rummel

District 6 Alder

Subscribe to my blog: <http://www.cityofmadison.com/council/district6/blog/>

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From: [REDACTED]
Sent: Friday, May 5, 2023 7:41 PM
To: Rummel, Marsha
Subject: Re: [D6] Essen Haus

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Yes! Thank you!

Sent from my iPhone

On May 5, 2023, at 7:02 PM, Rummel, Marsha <district6@cityofmadison.com> wrote:

Hi [REDACTED] -

May I share this email with planning staff if you have not done so already? Also, FYI, staff recommends referral to May 22 Plan Commission.

Marsha

Marsha Rummel

District 6 Alder

Subscribe to my blog: <http://www.cityofmadison.com/council/district6/blog/>

Please note: all email, regular mail, text, & written communications are subject to open record requests.

From: [REDACTED]
Sent: Friday, May 5, 2023 2:13 PM
To: Rummel, Marsha

Subject: [D6] Essen Haus

Recipient: District 6, Marsha Rummel

Name: [REDACTED]

Address: [REDACTED] Madison, WI 53703

Email: [REDACTED]

Would you like us to contact you? Yes, by email

Message:

Marsha,

I moved to [REDACTED] in early 2021. Starting in May of that year, the noise from the parking lot of the Essen Haus group of businesses has been intolerable. I fully except the pros/cons of living in an urban environment. The noise from amplified music and intoxicated patrons leaving at bar time is unacceptable. From my 3rd floor unit, the noise registers to an unreasonable level. Neighborhood meetings, police calls, and requests to stop the nuisance went unanswered. It took MPD and the City attorney's office to gain minimal compliance. All of Mr Worm's action show little regard for the rule of law and common courtesy. His building's are in terrible condition and certainly are in violation of standards within the First Settlement District. I can't believe the city government would even consider rewarding Mr Worm for his actions towards the neighborhood. This change would dramatically alter day to day living in our neighborhood and certainly would affect my property value moving forward. I am strongly opposed to the city granting this request.

Best,

[REDACTED]

[REDACTED]

[REDACTED]

Madison, WI 53703