

## Item 23-0241: 602 N. Lawe St Parking Stall Variance

Board of Zoning Appeals  
Mon, Mar 20, 2023, 7:30PM

### Scott Engstrom (BOZ Member) 1:14:47

And we are moving on to 602 North Lawe Street. Kurt, if you would please read the case. The applicant can come up to the podium while Kurt is reading this, and Mr. F., we appreciate your patience. If you do—would like to stand by, in case we do have any questions for you, we'd appreciate that too.

### Supervisor Kurt Craanen (Inspections) 1:15:22

Right. The applicant proposes to change from residential to a commercial use with a maximum capacity of 49. The proposed plan has three parking spaces. Section 23-172 (m) of the zoning ordinance requires tavern uses to provide one parking space for each three persons allowed based on maximum capacity. 17 parking spaces are required.

### Scott Engstrom (BOZ Member) 1:15:52

And just to reiterate the point that I made when we had the public discussion, again, this is—we have very limited jurisdiction here. We are not here to address whether or not a tavern should go in this location. We're limited strictly to the parking variance that's being applied for right now. So would you please introduce yourself and explain your relationship to the project.

### Andrew Dane (City Plan Commissioner) 1:16:15

Sure. Andrew Dane—excuse me. And I'm a managing member for the LLC—Neighborhood Investments LLC that owns this property, subject property. I've lived in the neighborhood since 2010 and have been very active in the neighborhood. Started our neighborhood association shortly after moving to the neighborhood, have organized literally dozens of events for the neighborhood, purchased the property next door a couple years ago and put in a neighborhood cafe, purchased this property in 2014 off of auction.com for \$60,000. It was a dilapidated, blighted drug, club, problem drug house with pit bulls chained to the outdoor and gotten so bad that nobody wanted this property. We bought it after a neighbor of ours suggested we buy it and try to do something with it. And since that time have invested over close to \$100,000 in this property. So, it's now recently—we just have recently appraised for \$210,000. The property next door when we put in the cafe, the appraisal on that recently went up by over 100% from the time we bought it. So, we bought two properties on this corner and with the goal of creating a walkable, mixed-use neighborhood that is attractive for families and residents who want to call this neighborhood home and be able to walk to places including the school.

### Andrew Dane (City Plan Commissioner) 1:17:59

So, I will say that I didn't—I was, I wasn't expecting as many of my neighbors to show up in opposition to this as did. But I certainly understand some of the concerns have been raised. I guess I would also say I didn't go out and ask a bunch of neighbors to come here in support of this either. I didn't think it was really germane as it's a fairly straightforward parking variance request.

### Andrew Dane (City Plan Commissioner) 1:18:28

This corner, as with most, many of the corners up and down the last street—before this was even part of the city, this was Lawesberg and the number—many of these corners had little neighborhood grocery stores. This was a photography studio on the corner. There's been a bookstore next door, a dog grooming store, a synagogue, a scrap yard, all sorts of things, a yoga studio. We've got multiple little—so traditionally, this

neighborhood has been mixed use with neighborhood commercial uses sprinkled throughout it, and that's part of what makes it an appealing attractive neighborhood for a lot of people. And part of the reason why it's very difficult to even purchase a house in this neighborhood right now.

**Andrew Dane (City Plan Commissioner) 1:19:14**

So, my goal is to create more housing in this neighborhood over time and more amenities like this for the for the neighborhood. As you probably know it is zoned C-2. I think the hardship is essentially we're interested in putting in a neighborhood pub. It's going to be similar to Ellinor which is just opened four or five blocks down the street. Unlike Ellinor, we actually have a large amount of public parking directly adjacent to the property. And I don't believe we'll be from a parking standpoint be negatively impacting any of the neighbors—possibly Donovan's father, Dennis, who lives on the corner directly to the east, although he does have a private driveway and his house is oriented on the other end of the block.

**Andrew Dane (City Plan Commissioner) 1:20:08**

So, there's—according to my observations, there's roughly about 18 parking stalls there are regular—cars are regularly parked up and down Pacific street between Center and Lawe Street. Furthermore, I'm proposing to open—this will be owner operated, so I'll be owning it and operating it with other neighbors who live nearby. It will be a neighborhood pub with without hard alcohol—again, not that it matters for the purpose of the parking variance, but perhaps for some of my neighbors, the intent is to have beer and wine. And I think it'll be similar to Ellinor in terms of the type of crowd that it's attracting from the neighborhood and from, you know, and from beyond.

**Andrew Dane (City Plan Commissioner) 1:20:51**

And furthermore, I have spoken with Luke on the corner at Jacobs, owner Jacobs. He does have a large parking lot, his building closes at six. We're proposing to open at four and be open 4 to 10, 4 to 9, or 4 to 10. So, there may be a two-hour overlap, although I suspect our business would probably get busier closer to five or six as people are getting off of work. There would be a little two-hour overlap, you know of opening hours, but essentially for most of the time when we would be open, Jacobs would be closed. And so, there is an opportunity to utilize Jacob's Meat parking lot as additional parking for the facility if parking does—if it is problematic or concerning. I anticipate and it's certainly my hope that a lot of people would walk and bike here, and the people who did drive here would park on the street. And for the you know the most events or most evenings, I think the parking could be accommodated perfectly well on that one block. And like I said, there's an opportunity to work with Luke on a parking, shared use agreement for the parking lot if, again, if parking did become an issue.

**Andrew Dane (City Plan Commissioner) 1:22:17**

So, I guess the variance is that it is this legal non-conforming lot, is a C-2 commercial lot that does expressly allow a pub as an allowable use, and because of the size of the lot and the age of the lot it no longer—there's literally not enough room there to put 17 parking stalls on that piece of without taking the without taking the house down.

**Andrew Dane (City Plan Commissioner) 1:22:46**

I guess when people are gathering their thoughts here, I mean, I guess I would just juxtapose this with the Ellinor situation four flock—four or five blocks to the east—were invariably—they must, I'm sure they were through here getting a variance not too long ago. It's a much different context than that in that we literally have an entire block of available parking that only fronts one single single-family home. In the case of Ellinor, all of the parking there that is impacting the neighbors is directly in front of the homes and so there's, you know, 12 or 20 homes that are directly impacted. In this case I believe we would only be directly impacting one single-family

home in terms of you know, the news potential nuisance or you know of people parking in front of your house albeit on a public street.

**Scott Engstrom (BOZ Member) 1:24:12**

So, would you say that your variance request here is, in part, intended to produce any issues related to parking and you know, traffic flow, notwithstanding the actual legal requirement?

**Andrew Dane (City Plan Commissioner) 1:24:30**

I guess I'm not I'm not sure I understood the question.

**Scott Engstrom (BOZ Member) 1:24:45**

I'll return to it.

**Kelly Sperl (BOZ Member) 1:24:46**

What's the current use of the building?

**Andrew Dane (City Plan Commissioner) 1:24:48**

Oh, it's a duplex.

**Kelly Sperl (BOZ Member) 1:24:50**

So residential?

**Andrew Dane (City Plan Commissioner) 1:24:59**

So, it's Right—are we on...are we on the Ellinor block? Want to scroll down? **[Note: it sounded like he was giving instructions for scrolling through Google Street View.]**

**Supervisor Kurt Craanen (Inspections) 1:25:09**

Do you want to go back?

**Andrew Dane (City Plan Commissioner) 1:25:10**

Yeah, maybe let's go back to 602 if you don't mind. I think it's the other. That's Ellinor. Oh, yeah.

**Andrew Dane (City Plan Commissioner) 1:25:22**

Oh, no, I was just saying, if we could go back to the 602 just to orient themselves. I will say that—I mean, one of the things I'm interested in doing just as being, you know, active in the neighborhood, I know, there is a concern with parking at Ellinor one of the things that I—so we're one block to the east to the west, or two blocks, rather, if you keep scrolling.

**Supervisor Kurt Craanen (Inspections) 1:25:48**

Oh, I'm sorry.

**Andrew Dane (City Plan Commissioner) 1:25:49**

That's right. One thing that I have discussed with a few people is the opportunity to potentially alleviate some of the parking concerns at Ellinor by encouraging people who would be visiting that restaurant to park at Jacobs or on Pacific Street, and just if they want to have a drink and walk down to Ellinor and then come back, or if they wanted to take a bicycle from this location. /we've got plenty of parking at this location to handle plenty of vehicles. Because it's, it's, you know, a commercial use already during the day. But, you know, by five by, you know, five, six o'clock, you know, it quiets down. It's pretty much, you know, empty once Jacobs closes there.

**Kelly Sperl (BOZ Member) 1:26:57**

As Scott said, we are here to look really at the parking scenario. But another question for you off that topic. Do you—are you familiar with what it's going to take to convert this building to a commercial?

**Andrew Dane (City Plan Commissioner) 1:27:11**

I am. That's why I've had it for nine years and I haven't done that. I've been saving up money and working on plans and fixing things up. And yeah, I am aware that it's a heavy lift. And this is just the first—I mean, I have to get the parking variance approved. I'm still working on building plans. We have an architect. We've been working with the city going back and forth on the on the architectural plans. So yeah, I do understand. This really is kind of the first step though, if we don't if we can't get past here. And so I guess, again, it's my understanding with the—again, the hardship is essential, I can't, we can't create, we can't utilize this parcel to its highest and best use and we have an opportunity here to re imagine, just like we're repurposing our paper mills into all sorts of interesting uses down on the river, we can repurpose some of these old commercial uses into new uses that will serve the neighborhood, you know, for generations to come. So, I see it as an opportunity to make this neighborhood more desirable, more attractive, more stable, more homeowners, more people looking after their properties. And I think this is only going to drive property values up and become a great asset, you know, for the neighborhood and, and for the city as well.

**Andrew Dane (City Plan Commissioner) 1:27:14**

But I guess—again, the hardship is it just can't be done without the parking the parking variance because of the size of the lot.

**Scott Engstrom (BOZ Member) 1:28:57**

Mr. F., Can you still hear us? Sorry, because you'd have to—or you can you nod? Okay. Cool. So, based on what you've heard so far—and again, understanding it's confined really to the parking issue—do you have any further comments?

**Mr. F. (Resident) 1:29:18**

Thank you. Yes, sir. I do. Yes, sir. I do.

**Scott Engstrom (BOZ Member) 1:29:24**

Okay.

**Mr. F. (Resident) 1:29:27**

Specifically, this is to address the space. If any of you have driven down Lawe Street, I understand Mr. Dane's hours of operation. However, if you [...] at Jacobs meat market is dangerous for the customers there to cross the street already. That is a private parking lot that Jacob's Meat has in the back there. So, I don't understand how Mr. Dane believes that he can use that overflow parking for his use, for his proposed pub. I appreciate that his objective is not to serve hard alcohol. [Indecipherable] the parking spaces we're talking 17 to three is [...] variance. It would be different if it was just one or two. But there's 14 spaces that are missing there, and I feel that the parking would intrude. Mostly I'm concerned with the parking overflowing into my front yard. And then people, patrons walking through my yard to [...] establishment. That is a public safety concern of mine. [...] Jacob's is—it's dangerous there for people to cross the street there with parking that goes on there. It's—you watch people walk between cars and I just cringe thinking someday.

**Scott Engstrom (BOZ Member) 1:30:59**

Okay. Do any of the other board members have any specific questions for Mr. [F.]? Okay. Okay. Then Mr. [F.], we'll let you go from the phone standpoint, and we'll let you go back to watching. Okay, thank you very much. Yep.

**Scott Engstrom (BOZ Member) 1:31:25**

And then you were Cynthia, correct?

**Scott Engstrom (BOZ Member) 1:31:27**

Yeah.

**Scott Engstrom (BOZ Member) 1:31:28**

What was your last name? Again? I'm sorry. I was messing with technology. **[Says last name.]** Okay. Did you have anything further based on what you've heard so far? Or any specific comments or questions based on the parking issue?

**Cynthia S. (Resident) 1:31:49**

I, I think that using the Jacobs Meat Market parking lot—if something would happen on his property, what if he would back out and say "No, I don't want this anymore." [...]

**Scott Engstrom (BOZ Member) 1:32:14**

Sure. Yeah. Sure. Okay.

**Kelly Sperl (BOZ Member) 1:32:18**

Do we know what the parking is on—is that Pacific street? What's the corner of Lawe where Jacobs is there?

**Andrew Dane (City Plan Commissioner) 1:32:29**

That is Pacific

**Kelly Sperl (BOZ Member) 1:32:29**

Pacific?

**Kelly Sperl (BOZ Member) 1:32:30**

Is that is there parking on both sides.

**Andrew Dane (City Plan Commissioner) 1:32:30**

Yeah.

**Andrew Dane (City Plan Commissioner) 1:32:32**

There is. Yep. And in fact, if you—you can kind of tell on the aerial, but if you walk down, it's more noticeable, that road's also been widened in the past to, uh, to accommodate, you know, truck or vehicle use on both sides.

**Andrew Dane (City Plan Commissioner) 1:32:50**

Again, I don't know, it's particularly somewhat germane to the parking discussion in that—but we're talking about some of the hazards or concerns with pedestrian safety on this street, which I'm very aware of, and I have gone to the city on multiple occasions, seeking to address those, and worked with both of my aldermen on some of these pedestrian safety issues and have a pedestrian safety team that's been set up underneath the neighborhood association to look at this issue, and have had several meetings with the neighbors regarding it.

Lawe Street will be reconstructed in 2025. And we have had conversations with city engineer and staff about putting bump outs on these corners to shorten the pedestrian crossing distance, which would be a pedestrian safety improvement and alleviate some of the concerns I'm hearing regarding, you know, pedestrian safety, specifically pedestrians crossing from one corner to the other. And it will also—with that street improvement that'll push, for example, that car right off the corner, you know, push it in a little bit where you have some of those potential conflict points where people are parking with their bumpers, close to law street.

**Kelly Sperl (BOZ Member) 1:34:10**

You mentioned that you have plans and you're kind of in that process right now. Do you have any kind of a capacity designed for this yet? I know, it says on here up to 49. I'm assuming that's because you're going to have a single exit. Do you have any real intentions of capacity?

**Andrew Dane (City Plan Commissioner) 1:34:28**

We are—I was looking to sort of, you know—this 49 figure would be the upper boundary if we were you know if there were something going on, you know, in out on the deck on a patio or outside. It's likely that the indoor interior space you know, we'll—based on the square footages and the distances to the exits and the amount of interior square footage, etc., etc., it's quite possible—and just the size of the first floor. It's not that big. It's quite poss—

**Kelly Sperl (BOZ Member) 1:35:09**

That's why I asked.

**Andrew Dane (City Plan Commissioner) 1:35:09**

It's quite possible that we'll end up with an occupancy of closer to, you know, 30 on the—for interior, for the bar itself for interior. But, you know, we have done events where we've closed off the—and this is a slightly older, older picture. We've since paved the driveway on the left there and put in new spindles on the porch, but, and the cafe isn't there. So that's a couple years old. But anyways, the—yeah, I would say, you know, we're, you know, it's quite possible that we end up at least within the bar or the pub on the first floor to be at an occupancy closer to 30 based on those sorts of factors.

**Michael Babbitts (BOZ Member) 1:36:05**

Is there anything written between yourself and the owner of Jacobs on that parking shared, or anything formalized?

**Andrew Dane (City Plan Commissioner) 1:36:13**

I haven't formalized anything with him yet. But I have—Luke's been the most supportive person with this project from the, from the time we started it, because this was such a nuisance, an eyesore on this corner. So, he's been very supportive all along. And he's—we've had multiple conversations. He's, you know, "Tell me what you need." So I have a verbal agreement with him and would look to get something in place some sort of shared parking, or shared parking agreement, you know, to satisfy any shortcoming in terms of the number of off, you know, additional parking stalls that might be required for me above and beyond what the street would offer, which again, is roughly—I think I said 20 In my variance paperwork, but I went out and looked at it a little more closely, and it's probably closer to 17 or 18. But there's quite a few parking stalls, right on Pacific street there. So, I believe the street would accommodate the parking. But certainly having—but I'm certainly more than happy to work out a parking, you know, agreement with Luke to lease his lot during, you know, our times of operation, specially, you know, on the weekend.

**Cynthia S. (Resident) 1:37:39**  
Can I say something?

**Scott Engstrom (BOZ Member) 1:37:41**  
Sure.

**Cynthia S. (Resident) 1:37:43**  
Do you see on the left there, that gray building?

**Scott Engstrom (BOZ Member) 1:37:50**  
To the left of where?

**Kelly Sperl (BOZ Member) 1:37:53**  
The one way in the back?

**Cynthia S. (Resident) 1:37:54**  
Yeah. Way in the back where the street—well no, not that way.

**Andrew Dane (City Plan Commissioner) 1:37:58**  
You could see it—just to...

**Cynthia S. (Resident) 1:38:01**  
That was my garage and garden got damaged

**Kelly Sperl (BOZ Member) 1:38:07**  
By?

**Cynthia S. (Resident) 1:38:09**  
By people that live there.

**Andrew Dane (City Plan Commissioner) 1:38:15**  
If that's been damaged—

**Cynthia S. (Resident) 1:38:17**  
It was before you, but that's what I'm worried about. Because I can't see the back of my garage at all. You know, there's a fence between my garage and [...] you know, a wooden fence. But that's all I got. Right there by the trees, that's my garage right there.

**Andrew Dane (City Plan Commissioner) 1:38:37**  
Bottom left corner, adjacent property to the north.

**Scott Engstrom (BOZ Member) 1:38:42**  
So yeah, I acknowledged that your concern would be that happening in the future. But the damage that occurred here obviously didn't occur as a result of a patron because it doesn't exist yet. But yeah, I understand what you're saying.

**Michael Babbitts (BOZ Member) 1:39:04**

Kurt, I wonder, might you be able to explain the difference between, for C-2, a principal permitted use and a special use?

**Supervisor Kurt Craanen (Inspections) 1:39:15**

Sure, principal uses are just uses that you can just start utilizing the property for those uses. Anything that's a special use, needs to go through a process through the planning commission and City Council to approve and then, you know, the Council would then have a chance to maybe make additional restrictions, 'cause special uses are, I think by definition they are—there could be potential issues, problems, that they want to be able to review.

**Michael Babbitts (BOZ Member) 1:39:43**

Is that—has that process happened for this project yet?

**Supervisor Kurt Craanen (Inspections) 1:39:46**

No, that's further down the road, and I think you referring to special use for taverns

**Michael Babbitts (BOZ Member) 1:39:51**

Well liquor license.

**Supervisor Kurt Craanen (Inspections) 1:39:52**

For liquor license...

**Michael Babbitts (BOZ Member) 1:39:54**

For non-residential uses in C-2—all non-residential uses that are principal, um, without alcohol. Nonresidential uses are special would include alcohol one is craft distillery, that seems fitting. I was just curious kind of where in the process this was. If this has already been approved?

**Supervisor Kurt Craanen (Inspections) 1:40:13**

Well, I think, for this for this project to go through, Andrew knows this, he has many different steps, and the special use permit is one of them. And at that time, I think that's when the issues of alcohol, whether it's appropriate this area, that's when that'll be discussed. Right now, we're just talking to parking.

**Michael Babbitts (BOZ Member) 1:40:33**

But if we grant this variance it stays with the property, even if his project doesn't get approved.

**Supervisor Kurt Craanen (Inspections) 1:40:40**

Yes.

**Karen Cain (BOZ Member) 1:40:41**

Unless we specify that is specifically for this project?

**Supervisor Kurt Craanen (Inspections) 1:40:46**

You could.

**Michael Babbitts (BOZ Member) 1:40:48**

Or limit the degree to which we allow more. One—I'm just thinking in my head—one, one car per three patrons is probably on the higher end that we'll see in determining parking counts. Would you agree, Kurt?



**Supervisor Kurt Craanen (Inspections) 1:41:09**

Is one in three on the higher end?

**Michael Babbitts (BOZ Member) 1:41:12**

Yeah.

**Kelly Sperl (BOZ Member) 1:41:14**

When does one—is this one per three or one per two?

**Karen Cain (BOZ Member) 1:41:17**

One per three.

**Supervisor Kurt Craanen (Inspections) 1:41:20**

That's typically you know—for the different types of uses, there's a chart and I think a tavern use is—the rationale was used that you know, how many cars parking spaces are going to need based on number of cars, this kind of use will attract. I think maybe churches, you can, it's like a one in five, because families will come, maybe how many people are going to come to, you know, to a tavern at night.

**Michael Babbitts (BOZ Member) 1:41:53**

I think what we're seeing is—in taverns are assembly spaces, they have high occupant load, so the code requires us as architects to count people very densely. So, we're seeing high counts of people combined with combined with kind of not a lot of vehicle sharing. And that's leading to a high number count.

**Michael Babbitts (BOZ Member) 1:42:17**

Personally, if I'm looking at this, I think it's, it probably—this property is experiencing a hardship in terms of how much parking is provided for a commercial use. You know, I think it's noteworthy that we're seeing this as a tavern as a special use. You know that that means that there's maybe a more special consideration with that. I appreciate that the applicant is trying to work with the neighbor and take advantage of the parking lot. And I wonder if it might be reasonable to meet halfway where there is some shared parking agreement that takes care of some but and we allow for some additional parking for if someone would want to do something different on here, like on one of these other alternate uses that would require parking in the same way—hair salon, for example, right? Three wouldn't be enough for that either.

**Andrew Dane (City Plan Commissioner) 1:43:23**

Don't know, it's not—again, it's probably not necessarily germane to that what you guys are working on, but I mean, it's certainly seeing a pattern and other cities that are relaxing their parking standards, you know, nationwide and with a more movement to allow to be able to recreate some of these older historic neighborhoods where you can actually walk places and not have to drive. I think that's part of obviously what we're trying to achieve here. So, we're not trying to create a situation like Wisconsin Avenue where we just, you know, knock everything down and build a bunch of, you know, paved parking lots, but you know, to try to get people to—I mean, I truly believe that a lot of people will walk and bike here and we will have ample biking facilities. And you know, because we do plan to market this very strongly, you know, within the neighborhood.

**Andrew Dane (City Plan Commissioner) 1:44:18**

But I—your suggestion, I mean, I'm more than happy to pursue, you know, some written, you know, shared use parking agreement. I mean, I was, that's kind of in my best interest anyways. I certainly would like to think that all of the impact would be contained to this block and would not be bleeding around the corner onto Center

Street. I just don't think people are going to park all the way around the corner and walk around, especially if they have a closer—you know, people are lazy. They'll just park in the closest place. And that'll be on the street or worst-case scenario in Jacobs, you know, parking lot. So hopefully that wouldn't impact—I mean, it would still impact Donovan's father or his house maybe in the future. He is the one residential home on that that you know directly impacted on that block, albeit be oriented on the opposite towards Center Street not towards Lawe.

**Scott Engstrom (BOZ Member) 1:45:30**

Do you have any further questions or comments?

**Supervisor Kurt Craanen (Inspections) 1:45:34**

I think Dan is wanting to address the—

**Scott Engstrom (BOZ Member) 1:45:38**

Okay

**Supervisor Kurt Craanen (Inspections) 1:45:39**

And I'll call him right now.

**Mr. F. (Resident) 1:45:46**

thanks Kurt, I appreciate it. Mr. [...] and ladies that being the case they're going to park in front of my [...] and they're going to walk through my [...] to get to the parking lot. [...] And furthermore that is a dangerous situation with Jacob's meat market being there. If you go there during [...] I mean, at the end of the day that seems to be when people come to get steak and whatever the meat market sells there that is [...] from three o'clock on [...] fairly close [...] to the road currently so I [...] thought [...] if you come from the east from Lawe Street towards the front of property [...] sidewalks there [...] the difference between the sidewalk [...]

**Andrew Dane (City Plan Commissioner) 1:47:22**

Can I respond to that? Again, I don't know if it's, how germane it is. But Dan, I'd be happy to build a fence along the back of the Moon Water property building to provide privacy and or a barrier to you, know, for your neighbor who's sitting right behind me to alleviate any concerns that she has regarding her garage being damaged. And I'd also be happy to extend that fence all the way down the property to prohibit anybody from walking through your yard into this property.

**Andrew Dane (City Plan Commissioner) 1:48:06**

With regard to your comment on the bump outs, yeah, those bump hands would not extend into Lawe street, but those bump outs would potentially be extending into Pacific street on either side of Lawe, so it would be more of an issue of helping make a little pedestrian safety improvement crossing one side of Pacific like crossing from 602 over to Jacobs or in that direction with the bump outs.

**Kelly Sperl (BOZ Member) 1:48:37**

Is there currently parking on Lawe Street?

**Andrew Dane (City Plan Commissioner) 1:48:39**

No.

**Kelly Sperl (BOZ Member) 1:48:40**

No parking even over by Jacobs or?

**Andrew Dane (City Plan Commissioner) 1:48:42**

No parking.

**Kelly Sperl (BOZ Member) 1:48:43**

Even over by the commercial property to the north of your property?

**Andrew Dane (City Plan Commissioner) 1:48:47**

No parking on Lawe Street all the way from College Avenue all the way up to Wisconsin Avenue.

**Kelly Sperl (BOZ Member) 1:48:53**

Okay

**Andrew Dane (City Plan Commissioner) 1:48:58**

This is also a, you know, like I said a traditionally mixed-use neighborhood. This is a truck route, there's heavy truck traffic on this street. It's you know, this this street gets over close to I think 7500-8,000 vehicles a day something like that. So, this, the street is built or will be built to accommodate you know, high levels of traffic. As I mentioned before Pacific street between Center and Lawe Street has been widened I believe about six feet to make it easier to parallel park on either side. And you know—so there certainly are issues. It's just kind of part of becoming a city and a vibrant mixed-use neighborhood where people are attracted to that, you know, we've got to solve for parking, and it does get a little tight. But I believe with Jacobs being closed by six, for the most part, you know, I just don't see this adding to the parking issue or problem at hand there.

**Kelly Sperl (BOZ Member) 1:50:03**

The hours of operations—if you stated them I my apologize.

**Andrew Dane (City Plan Commissioner) 1:50:05**

Sure, I was—we were looking at basically keeping the same as Ellinor. Four to nine on like Wednesday and Thursday and four to 10 on Friday and Saturday. Something like that.

**Kelly Sperl (BOZ Member) 1:50:16**

Which means you won't attract young kids because they won't be out yet.

**Andrew Dane (City Plan Commissioner) 1:50:21**

Well, like I said, I anticipated it'll be similar clientele as Ellinor. Maybe not quite as fancy. But it's not going to be—it's not a, you know, it's not a dive bar or anything like.

**Michael Babbitts (BOZ Member) 1:50:35**

Kurt, could you speak to the zoning in the area. I know Jacobs is probably a C-2, this is a C-2. What—the rest of the neighborhood appears to be residential. Are there other businesses in the area, C-2 that would have a similar problem?

**Andrew Dane (City Plan Commissioner) 1:50:52**

Ellinor.

**Supervisor Kurt Craanen (Inspections) 1:50:52**

Andrew's mentioned...

**Karen Cain (BOZ Member) 1:50:54**  
Moon Water

**Supervisor Kurt Craanen (Inspections) 1:50:54**  
...Moon Water numerous times.

**Michael Babbitts (BOZ Member) 1:50:56**  
I mean, like in this in this intersection.

**Supervisor Kurt Craanen (Inspections) 1:50:59**  
Well right now I just brought up the zoning map that shows the zoning. See this is Jacobs Market. This is the property in question. The property it's in the north which is...

**Kelly Sperl (BOZ Member) 1:51:10**  
Yeah, that's—that used to be for years it was like a lampshade place or something for many years.

**Supervisor Kurt Craanen (Inspections) 1:51:17**  
So, this is the only C-2 zoned properties in the vicinity.

**Michael Babbitts (BOZ Member) 1:51:23**  
So, there's three.

**Andrew Dane (City Plan Commissioner) 1:51:23**  
There's just the two that I, that we have, and then Jacobs, including his parking, I believe they only C-2 at this intersection. But if you look down to the previous—like down one block to north you'll notice there's a C-2 there that was a grocery store that's now like a halfway house. There were a couple other neighborhood grocery stores further north of our property in in the past.

**Kelly Sperl (BOZ Member) 1:51:48**  
Kurt has any complaints been filed with parking for Ellinor's?

**Supervisor Kurt Craanen (Inspections) 1:51:54**  
I have not heard any. But that is, you know, police issue.

**Kelly Sperl (BOZ Member) 1:51:59**  
I know. I just didn't know if they somehow, they contacted you and...

**Supervisor Kurt Craanen (Inspections) 1:52:04**  
Not me.

**Kelly Sperl (BOZ Member) 1:52:06**  
So, I've been there a couple times and you walk a couple of blocks, at least, two or three blocks.

**Andrew Dane (City Plan Commissioner) 1:52:12**  
Well, that was again—I would, I'd like to work with Adam and Ellinor to, if this works out, and just encourage people to park down at this end of Pacific Street and then they could walk—it's literally four blocks. That would solve a lot of problems for them. It's really more of an impact down there, just because if you've been down there there's so many homes just right around there.

**Supervisor Kurt Craanen (Inspections) 1:52:45**

I think Dan is wanting to talk.

**Scott Engstrom (BOZ Member) 1:52:47**

Sure yeah, sure. We can give you one more opportunity here and then we were gonna have to start moving this along toward a vote.

**Mr. F. (Resident) 1:52:54**

I appreciate it. So, but they don't [...] establishment does not [...] within 100-150 feet. [...] it already [...] cross over there [...] especially you have older [...] to get [...] square peg in a round [...] And look for yourself. It really is. [...] I just [...]

**Scott Engstrom (BOZ Member) 1:53:57**

Thank you.

**Mr. F. (Resident) 1:54:00**

You listening to me, but I think if you gentlemen would take the time [...] the concern already is [...] and it's already dang [...] to a potential danger to the [...] people that live in there.

**Andrew Dane (City Plan Commissioner) 1:54:32**

I will say, it does get busy there on that section. What—on really just occasion, on Friday afternoons and Saturday mornings. At four o'clock on any other day besides those two times—today at four o'clock there were three vehicles parked on the entire street. So, there are some periods on a Friday afternoon, on a Saturday morning, where that street will get busy and filled up, but 95% of the time, if you go down there next time you go down there and look down the street, you'll see two or you'll see three or four cars. They'll all be sort of parked up towards the Jacobs side. Jacob's parking lot will be mostly empty, except for a couple staff. It's a neighborhood corner store and people visit. They're in, they're out in five minutes. It's been there for 80 years. I think 99% of the neighbors you know, absolutely love it just how it is.

**Scott Engstrom (BOZ Member) 1:55:28**

Okay. Thank you. Any other board members have any further questions?

**Michael Babbitts (BOZ Member) 1:55:35**

Maybe just clarifying one. Do you own—do you on the one parcel or do you on the two parcels in that C-2 district?

**Andrew Dane (City Plan Commissioner) 1:55:43**

The two. So, Moon Water Cafe, like we bought that in 2018. Fixed that up, put the cafe in there. She also has a beer and wine license. To best of my knowledge, there hasn't been any issues there. Again, we're talking about people coming in, you know, professionals, people having a drink or two. It's not a late night, you know, pulling bar tabs and playing dice type of environment.

**Kelly Sperl (BOZ Member) 1:56:10**

Where do those people park? Do they have off street parking?

**Andrew Dane (City Plan Commissioner) 1:56:13**

They have the parking lot in the back of Jacobs. They've got—there's about eight, I think eight parking stalls back there. In the in the back of Moon water cafe. Yeah. Or they park on, or they park on up on Atlantic, which is half a block away, or they—but for the most part, you know, they're walking or they're, or they're parking in the back, or they're park on Pacific Street. And, you know, it's pretty common if you're down in Milwaukee, Madison, any, you know, mixed use neighborhood corridor like this. There's lots of situations, you know, similar. But yeah, I mean, but that being said, I understand the concerns. I understand, you know, safety and pedestrian safety. I'm all about that. I want to make, do whatever we can to address it.

**Scott Engstrom (BOZ Member) 1:57:12**

Anything further by the board?

**Karen Cain (BOZ Member) 1:57:15**

Can I? I feel if we are isolating the topic tonight to parking, and probably 75% of that solution is based on a relationship with Jacobs, I think it's prudent for us to have some kind of contract in writing that that we can use to support our decision. I don't know if that's too much to ask, but I think that is valid. Because all of a sudden work otherwise we're going from their added lots to strictly street lots. If as the neighbor Ms. [S.] says, if Jacobs decides that that's no longer an option for him, that's all street lots that we're looking at now. So, I think that would help me in that decision.

**Scott Engstrom (BOZ Member) 1:58:06**

So, we, I guess we have to vote on the record that we have, which requires again, a motion in a second. So, I guess if someone were to be moving, and that's a requirement for them to approve, then you wouldn't be able to approve if that's a requirement, because we're not gonna be able to get a contract as a contingency ahead of time. So.

**Michael Babbitts (BOZ Member) 1:58:34**

Could the rest of you—could you see expanding the providing some forgiveness? There's three parking spots on site? I think it's, it's a hardship to all the businesses in the area that they're parking—their lots are small for C-2. They're compliant, but they're smaller than average. Could we look at each business in the area having some percentage of the street parking allotted to them as an expansion of that? So, if there are three on site and say there's 15 in some vicinity we decide on, that we would say they have eight of their 17 met, and they need to have some formal agreement for the rest of them, or...

**Scott Engstrom (BOZ Member) 1:59:22**

I think that's getting a little outside of what we're able to do here. I think—

**Kelly Sperl (BOZ Member) 1:59:26**

Also, I don't know how you guarantee that.

**Scott Engstrom (BOZ Member) 1:59:27**

Yeah, that's more of a kind of a legislative function almost for city Council. Kurt, go ahead.

**Supervisor Kurt Craanen (Inspections) 1:59:33**

Just because, you know, we're talking about this issue, and I don't want to leave it out there. Section 23-172(i) of the zoning ordinance, in the section of the parking, if you, if they do—you can make an agreement with a neighboring property. And Andrew, I think you know this, and maybe there's details that I'm not aware of, but

you if you don't have parking in a business, you can make a deal with a with a neighboring property, and if you record that with the county that, a written agreement, you're compliant.

**Kelly Sperl (BOZ Member) 2:00:06**

And it goes with the property then?

**Supervisor Kurt Craanen (Inspections) 2:00:08**

Well, whenever—so however long that the agreement is, is in is in recorded, and is in effect. So maybe that's been talked about already. But I don't want anyone, especially neighbors to not know that information in case the deal was made in the future, and they don't get a variance, it could potentially happen. Has that been talked about? Andrew?

**Andrew Dane (City Plan Commissioner) 2:00:30**

I mean, I haven't talked about it, like, with the neighbors. I'm aware of it, you know, as—I wasn't really sure how to proceed here, like, coming into this meeting with an agreement not really knowing what, you know, am I—I figured I'd probably have to get one at some point. And, you know, I'm certainly happy to do that. If it were possible to grant a variance for, you know, half the number of required stalls, I could go out to Luke and get, you know, secure another 10, you know, the other half from him. Certainly, happy to do that. And I would think that that would—only I wouldn't think that would travel with the property, the land. I think that would just—it's still subject. I think once it got terminated if it got terminated in the future by either party, then that those parking stalls would no longer you know, be countable. And, you know, business would have to figure something else out, I guess. But, yeah, I mean, I'd certainly be happy to get an agreement with Luke to cover, you know, half the stalls if that's a fair compromise of some sort.

**Scott Engstrom (BOZ Member) 2:02:04**

Okay, anything further for the board? Not hearing anything, then I will entertain a motion on the variance

**Karen Cain (BOZ Member) 2:02:31**

Are we—are we motioning in the affirmative?

**Supervisor Kurt Craanen (Inspections) 2:02:37**

Yeah, okay. Thanks.

**Scott Engstrom (BOZ Member) 2:02:39**

Okay. So, we'll take a motion on the variance.

**Karen Cain (BOZ Member) 2:02:57**

In the interest of moving this forward for a vote, I move to approve the variance as requested.

**Scott Engstrom (BOZ Member) 2:03:02**

Okay. We have a motion. Do we have a second?

**Kevin Loosen (Board Member) 2:03:05**

I'll second.

**Scott Engstrom (BOZ Member) 2:03:06**

Moved and seconded. Any further discussion?

**Kelly Sperl (BOZ Member) 2:03:17**

This property is obviously, you know, commercial, and no matter what goes there, they're not going to have adequate parking, no matter what it is. So, I think some type of variance needs to go with this property. Now, obviously, there's some opposition from the neighbors. I, and this is a personal opinion, I think these types of things are good for neighborhoods. I mean, Ellinor's is a prime example of it. But you know, you go you go to Milwaukee, Chicago, Denver. I'm not even sure, Madison, probably. They all have little unique boutique type bars, restaurants, places to eat, you know, coffee houses. They all have them. And they all have them in these unique older buildings, like we're looking at.

**Kelly Sperl (BOZ Member) 2:04:11**

The one thing that bothers me here is Lawe Street. I don't know if you want to define it as a thoroughfare. But it's a fairly busy street. Which forces everything back in parking wise on the backside of this building. So that's, that's my draw back on it. So.

**Michael Babbitts (BOZ Member) 2:04:37**

And if they had those bump outs, and when they reconstruct last Street, that's going to take up more parking space, because they make them wider.

**Scott Engstrom (BOZ Member) 2:04:51**

Any further discussion?

**Michael Babbitts (BOZ Member) 2:04:52**

I think it's important to remember we're ruling on the parking only.

**Scott Engstrom (BOZ Member) 2:04:56**

Yep.

**Michael Babbitts (BOZ Member) 2:04:56**

And the idea of whether this should be a tavern, whether it should not be a tavern, hours of operation, is all outside of our purview. That will be dealt with at a later date. I understand that if this is to go forward. So, I'll echo what Kelly's saying. I think there is a hardship on this property as a C-2 business. I think 17 parking stalls is probably a worst-case scenario. But I do agree that it's probably worthy of some flexibility to provide to be able to provide a service to the community.

**Scott Engstrom (BOZ Member) 2:05:39**

Well, we have a motion and a second that we've had discussion. Does anyone want to make an amendment to the motion? Or do we wish to proceed on the motion that was tabled?

**Michael Babbitts (BOZ Member) 2:05:50**

The motion was to grant—

**Scott Engstrom (BOZ Member) 2:05:55**

As requested.

**Michael Babbitts (BOZ Member) 2:05:56**

—17? An additional 17?



**Kelly Sperl (BOZ Member) 2:05:59**

So, it's just eliminate the 17—

**Scott Engstrom (BOZ Member) 2:06:02**

Eliminate the 17

**Kelly Sperl (BOZ Member) 2:06:04**

**[Indecipherable]** off street parking.

**Scott Engstrom (BOZ Member) 2:06:09**

Correct. So not hearing any amendments then, I will—we'll proceed then for the motion and the second to grant the variance as requested. So, we'll start with—I believe Miss Cain, you made the motion. All right. Miss Cain?

**Karen Cain (BOZ Member) 2:06:31**

Aye

**Scott Engstrom (BOZ Member) 2:06:33**

Mr. Loosen?

**Kevin Loosen (Board Member) 2:06:34**

Aye.

**Scott Engstrom (BOZ Member) 2:06:35**

Mr. Sperl.

**Kelly Sperl (BOZ Member) 2:06:37**

Aye.

**Scott Engstrom (BOZ Member) 2:06:38**

Babbitts.

**Michael Babbitts (BOZ Member) 2:06:38**

Aye

**Scott Engstrom (BOZ Member) 2:06:39**

Okay. You have four aye votes, and the variance is granted.

**Andrew Dane (City Plan Commissioner) 2:06:45**

Thanks.

**Scott Engstrom (BOZ Member) 2:06:46**

Thank you.