



CITY OF APPLETON

MEMORANDUM

Date: May 22, 2024
To: Plan Commission
From: Don Harp, Principal Planner
Subject: Special Use Permit #2-24 for a bar/cocktail lounge with alcohol sales and service, in association with a coffeehouse (Delaire's)

GENERAL INFORMATION

Owner: Block 800, LLC, Kip Golden

Applicant: David Boulanger, Delaire's

Address/Parcel Number: 823 West College Avenue (Tax Id #31-3-0943-00)

Petitioner's Request: We propose to create a unique community hub blending a cozy coffeehouse ambiance with a curated selection of artisanal spirits. Our space will offer high-quality coffee beverages alongside craft cocktails.

Plan Commission Public Hearing Date: May 22, 2024

Common Council Meeting Date: June 5, 2024

BACKGROUND

2019 – Site Plan #25-19 for a mixed-used commercial and multi-family residential building.

2019 – Certified Survey Map #19-19 for lot consolidation.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a bar/cocktail lounge use with alcohol sales and service, in association with a coffeehouse, which would occupy approximately 1,779 square feet of 1st floor tenant space.

Operational Information: A plan of operation is attached to the staff report.

Outdoor Seating Area: No outdoor alcohol sales and consumption is requested with this application.

Existing Site Conditions: The existing mixed used building consists of 1st floor commercial and 2nd - 4th floor 20-unit multi-family residential building totals approximately 16,201 square feet, including an eight (8) stall off-street parking lot.

Current Zoning and Procedural Findings: The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, a bar/cocktail lounge with alcohol sales requires a Special Use Permit in the CBD District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and residential in nature.

North: CBD Central Business District. The adjacent land use to the north is a place of worship. (Future Land Use Map recommends Central Business District for the adjacent property.)

South: CBD Central Business District. The adjacent land use to the south is the Boys & Girls Club. (Future Land Use Map recommends Central Business District for the adjacent property.)

East: CBD Central Business District. The adjacent land use to the east is commercial and 2nd floor residential apartment. (Future Land Use Map recommends Central Business District for the adjacent property.)

West: CBD Central Business District. The adjacent land use to the south is a laundromat. (Future Land Use Map recommends Central Business District for the adjacent property.)

Appleton Comprehensive Plan 2010-2030: Community Development staff has reviewed this proposal and determined it is compatible with the Central Business District designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

Technical Review Group (TRG) Report: This item appeared on the April 30, 2024 TRG agenda. No negative comments were received from participating departments.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant’s proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means “facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion.” Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: 1. *proper zoning district:* CBD zoning allows bars/cocktail lounges with alcohol sales and service as a special use permit; 2. *zoning district regulations:* the district regulations appear to have been satisfied pursuant to Site Plan Approval #25-19; 3. *special regulations:* stipulations 2, 3 and 4 (below) address the special regulations for bars/ cocktail lounges with alcohol sales and service; 4. *consistent with comprehensive plan and other plans:* yes, see above analysis; 5. *traffic:* the proposed use is not expected to create undue traffic congestion; 6. *landscaping and screening:* not applicable to this use, the CBD District allows 100% lot coverage; 7. *neighborhood compatibility with predominant land uses in this area:* the proposed use is located near other commercial uses in this area of City; 8. *impact on services:* the City has existing utilities, services and equipment in place to serve this proposed use. These standards were found in the affirmative, as long as all stipulations are satisfied.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #2-24 for a bar/cocktail lounge use with alcohol sales and service located at 823 West College Avenue (Tax Id #31-3-0943-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premise.

Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

3. The site shall be kept free of litter and debris.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

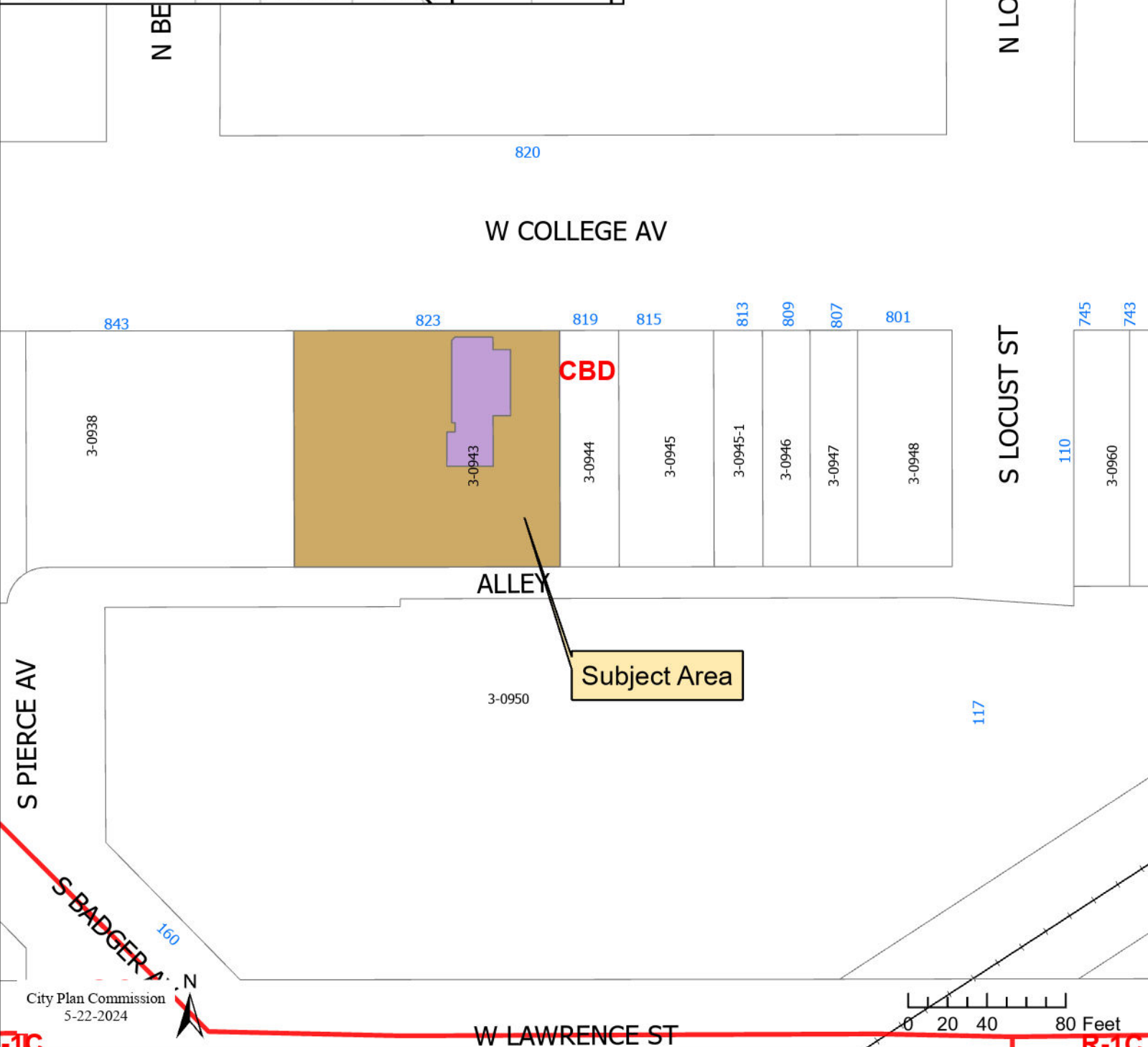
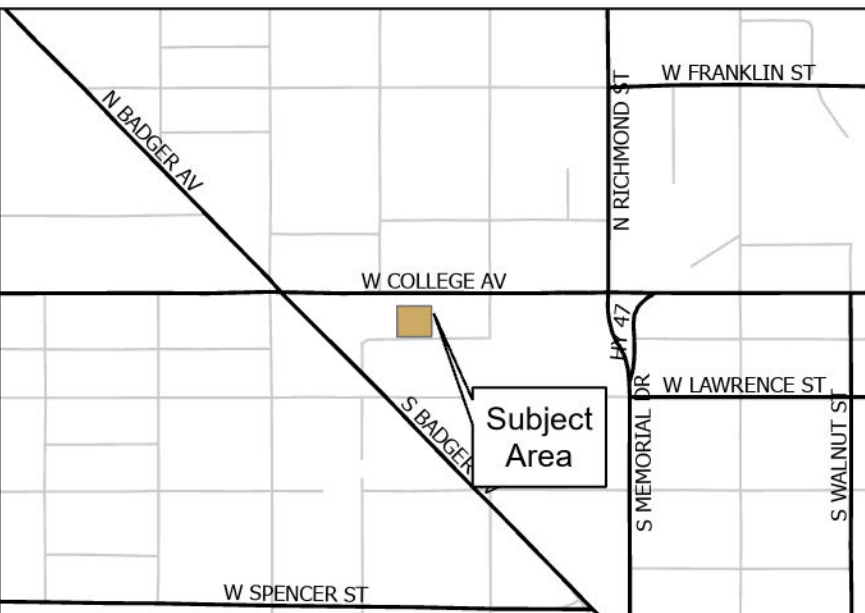
4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

5. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community Development Department to discuss any proposed changes.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to this proposed use.

Special Use Permit
Delaire's Coffee Bar/Lounge with
Alcohol Sales and Service
823 W College Avenue



**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #2-24
BAR/COCKTAIL LOUNGE
823 WEST COLLEGE AVENUE**

WHEREAS, David Boulanger, Delaire's has applied for a Special Use Permit to establish a bar/cocktail lounge, in association with a coffeehouse, located at 823 West College Avenue, also identified as Parcel Number #31-3-0943-00; and

WHEREAS, the proposed use is located in the CBD Central Business District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on May 22, 2024 on Special Use Permit #2-24, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #2-24 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on June 5, 2024.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #2-24 to establish a bar/cocktail lounge, in association with a coffeehouse, (Delaire's) located at 823 West College Avenue, also identified as Parcel Number #31-3-0943-00 based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #2-24 to establish a bar/cocktail lounge, in association with a coffeehouse, (Delaire's) located at 823 West College Avenue, also identified as Parcel Number #31-3-0943-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #2-24:

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premise.
- B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
- C. The site shall be kept free of litter and debris.
- D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
- E. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community Development Department to discuss any proposed changes.

Adopted this _____ day of _____, 2024.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Delaire's

Years in operation: NA

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other Coffee Bar/Lounge

Detailed explanation of proposed business activities:

Our coffee bar combines high-quality coffee and craft cocktails in a cozy atmosphere. With premium ingredients and attentive service, we aim to create a memorable experience.

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) _____

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) 1779 s.f.

Occupancy Limits:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: _____ persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	10:00 am	10:00 pm
Friday	10:00 am	10:00 pm
Saturday	10:00 am	10:00 pm
Sunday	10:00 am	10:00 pm

Production/Storage Information:

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: _____ U.S. gallons per year
- Proposed production of fermented malt beverages: _____ U.S. gallons per year
- Current production of wine: _____ U.S. gallons per year
- Proposed production of wine: _____ U.S. gallons per year
- Current production of intoxicating liquor: _____ proof gallons per year
- Proposed production of intoxicating liquor: _____ proof gallons per year
- None. If none, leave the following two storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

Outdoor Space Uses:

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other _____.
- None. If none, leave the following questions in this section blank.

Size: _____ square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

- Fencing Landscaping Other _____ Height _____ feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes ___ No

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes ___ No

If yes, describe how the noise will be controlled:

Is there any food service incorporated in this outdoor facility proposal? Yes ___ No

Proposed Hours of Operation for Outdoor Space:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources: 60-70 decibels. This level allows for conversation without being too loud. Background music/tv set at 40-50 decibels. This adds ambiance without overpowering conversation or creating a noisy environment.

Describe how the crowd noise will be controlled inside and outside the building:
Acoustic Design - Implementing sound absorbing materials / Music Volume Control / Staff Training / Noise Regulation Control / Layout & Furniture Arrangement.

Off-Street Parking:

Number of spaces existing on-site: 8 Total - 1 ADA

Number of spaces proposed on-site: 0

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
Adequate Street Access

Other Licensed Premises:

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

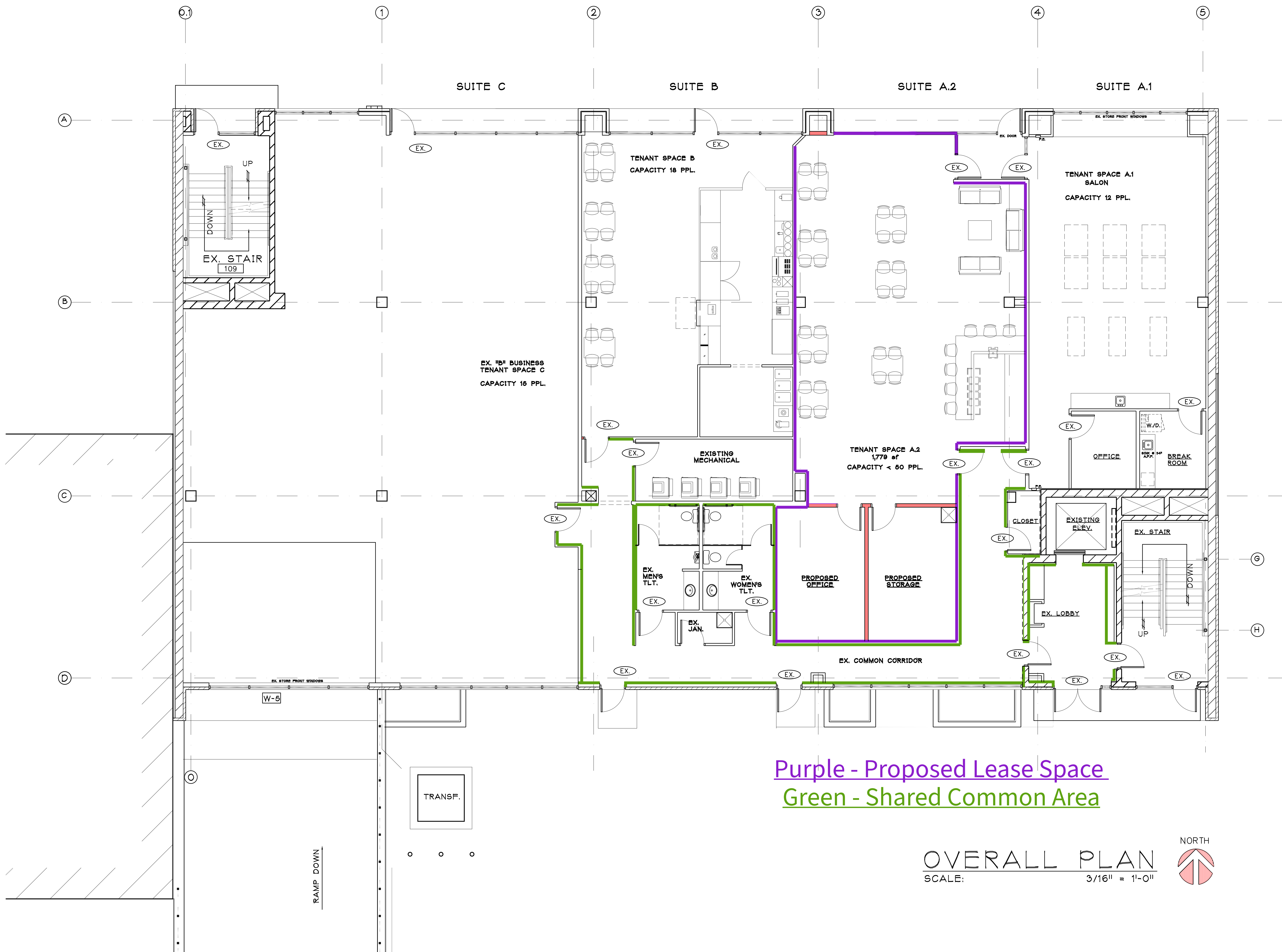
List nearby licensed premises:
815 W College Ave - Pierri Pizza

Number of Employees:

Number of existing employees: 0

Number of proposed employees: 4

Number of employees scheduled to work on the largest shift: 2



Purple - Proposed Lease Space
 Green - Shared Common Area

OVERALL PLAN
 SCALE: 3/16" = 1'-0"

