



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: June 14, 2023

Common Council Meeting Date: June 21, 2023

Item: Special Use Permit #6-23 – Stone Arch Brewpub, Inc. Expand the existing microbrewery/brewpub operations by occupying the 3rd floor of the building for event space (meetings, weddings, birthday parties, occasional live music) with alcohol sales and consumption

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Robert Moses - owner; Thomas Lonsway, Stone Arch Brewpub, Inc.- applicant

Address/Parcel #: 1004 South Olde Oneida Street/31-4-0323-01

Petitioner's Request: The applicant is requesting a Special Use Permit to expand the existing microbrewery/brewpub operations by occupying the 3rd floor of the building for event space (meetings, weddings, birthday parties, occasional live music) with alcohol sales and consumption.

BACKGROUND

The “Between the Locks” building was the home of the first brewery in Appleton, built by Anton Fischer in 1858. The existing building was converted for commercial uses in 1977 and is currently an existing multi-tenant commercial property. Stone Arch Brewpub, Inc. has been brewing beer for 18 years at this location.

Rezoning #8-11 was approved by Plan Commission on September 26, 2011, and by the Common Council on November 2, 2011, which rezoned the subject site from M-2 General Industrial District to C-2 General Commercial District.

Special Use Permit #1-12 was approved by the Plan Commission on February 20, 2012, and by the Common Council on March 7, 2012, to expand the existing microbrewery/brewpub and establish a tasting room with alcohol sales and service on the first floor of the building.

STAFF ANALYSIS

Project Summary: Expand existing microbrewery/brewpub operations by occupying approximately 3,000 square feet of the 3rd floor of the building for event space (meetings, weddings, birthday parties, occasional live music) with alcohol sales and consumption.

Existing Site Conditions: The existing microbrewery/brewpub/tasting room occupies approximately 5,076 square feet of the first floor of the building per Special Use Permit #1-12.

Off-Street Parking Requirements: Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, the property has historically functioned as a shopping center building, per Assessor's Office records. The proposal will not increase the gross floor area of the existing multi-tenant building. Therefore, additional off-street parking spaces are not required for the applicant's request.

Zoning District Classification and Requirements: The subject property has a zoning designation of C-2 General Commercial 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 (2/3) vote of the Common Council is required for approval.

Special Use Permit #1-12 Requirement: Special Use Permit #1-12 states, "the serving and consumption of alcohol is limited to the 1st floor of the existing brewery as shown on the Development Plan. Any future expansions for the serving and/or consumption of alcohol will require a new Special Use Permit application to be applied for and approved."

Special Use Permit Consolidation: If approved, Special Use Permit #6-23 will replace Special Use Permit #1-12. The following conditions were approved pursuant to Special Use Permit #1-12.

1. The serving and consumption of alcohol is limited to the 1st floor of the existing brewery as shown on the Development Plan. Any future expansions for the serving and/or consumption of alcohol will require a new Special Use Permit application to be applied for and approved.
2. The applicant shall apply for and receive approval of an amended Liquor License from the City Clerk.
3. The use shall conform to the standards established on Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.
4. All applicable City of Appleton Fire Codes must be met, and a fire inspection must be conducted prior to issuance of an Occupancy Permit.
5. All applicable City of Appleton Building and State of Wisconsin Building Codes must be met, and a final inspection must be conducted prior to issuance of an Occupancy Permit.
6. All applicable City of Appleton Health and State of Wisconsin Health Codes must be met, and a final inspection must be conducted prior to issuance of an Occupancy Permit.

Operational Information: See attached plan of operation for the 1st floor microbrewery and tasting room and 3rd floor event space.

Special Use Permit #6-23
June 14, 2023
Page 3

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 public/institutional in nature.

North: M-2 General Industrial District. The adjacent land use to the north is currently professional office.

South: C-2 General Commercial District. The adjacent land use to the south is currently commercial.

East: R-1B Single-family District. The adjacent land use to the east is currently single-family residential.

West: C-O Commercial Office District. The adjacent land use to the west is currently professional office.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Mixed Use 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 9.5 Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

OBJECTIVE 9.6 Economic Development:

Create a vibrant environment that is conducive to attracting and retaining talented people.

Policy 9.6.2 Encourage the creation of vibrant mixed-use urban areas in the downtown and along the Fox River that are both walkable and bicycle-friendly.

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:* C-2 zoning allows microbrewery/brewpub as a special use permit; 2. *zoning district regulations:* the district regulations were reviewed pursuant to the attached development plan; 3. *special regulations:* stipulations 3 and 4 (below) address the special regulations for this proposed use; 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; it is anticipated customers will utilize existing on-site parking spaces to park their cars; 6. *landscaping and screening:* not applicable to this use, changes to the existing parking are not being proposed with this request; 7. *neighborhood compatibility with predominant land uses in this area:* the proposed use is located near other existing commercial uses in this area of the City; 8. *impact on services:* the City has existing utilities and services in place to serve this use. These standards were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group Report (TRG): This item was discussed at the May 23, 2023 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #6-23 to expand the existing microbrewery/brewpub operations by occupying the 3rd floor of the building for event space with alcohol sales and service located at 1004 S. Olde Oneida Street (Tax Id #31-4-0323-01) as shown on the attached maps and per the attached operational plans, along with the attached resolution, **BE APPROVED** subject to the following conditions:

1. The applicant shall receive approval of an Alcohol License Premise Amendment 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 an on-going condition from Special Use Permit #1-12.

3. 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)(19) of the Zoning Ordinance for this particular use and Special Use Permit #1-12.

4. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(19) of the Zoning Ordinance for this particular use.

Special Use Permit #6-23

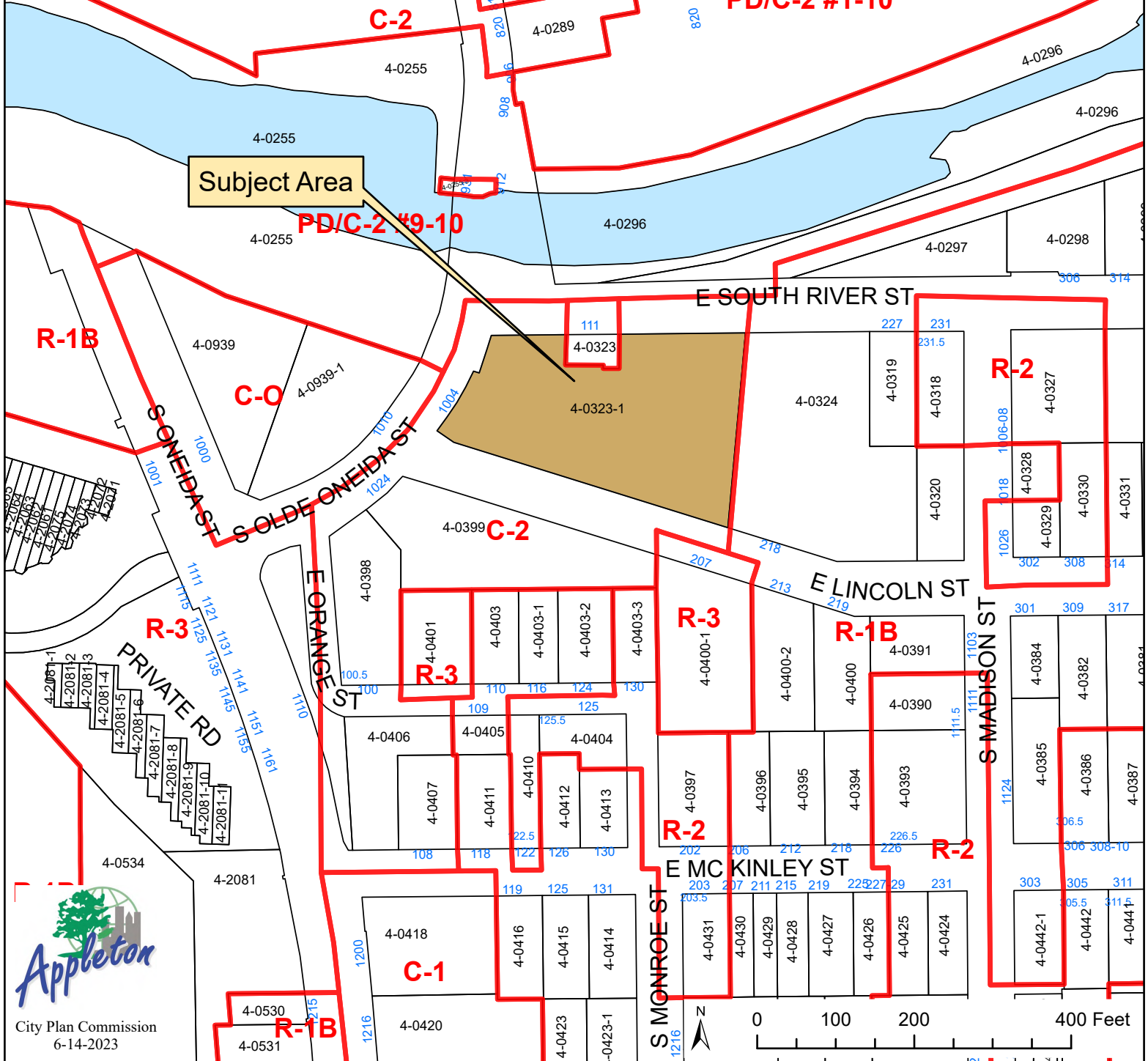
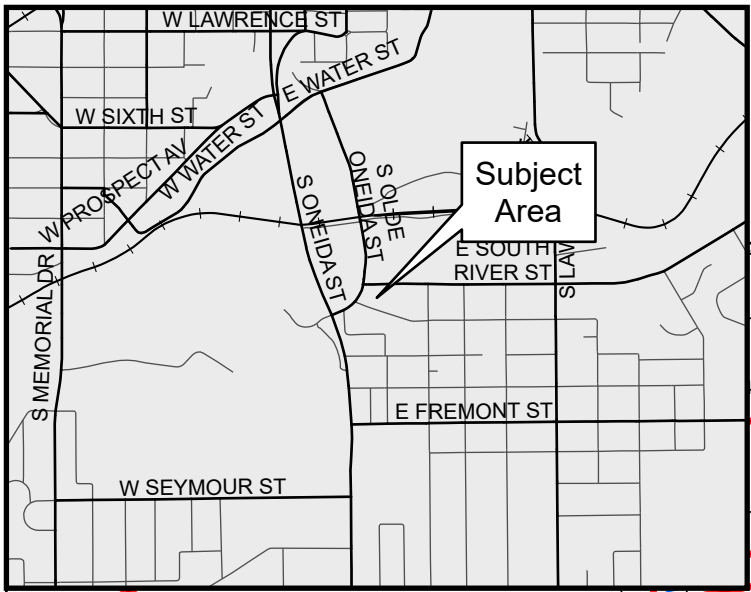
June 14, 2023

Page 5

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 and Economic 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 the special use.

1004 S. Olde Oneida Street
 Stone Arch Brewpub
 (Microbrewery and Tasting Room)
 Special Use Permit
 Expand operations to 3rd floor for
 Events with Alcohol Sales and Consumption
 Vicinity Map



1004 S. Olde Oneida Street
Stone Arch Brewpub (Microbrewery and Tasting Room) Special Use Permit
Expand operations to 3rd floor for Events with Alcohol Sales and Consumption
Aerial Map



**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #6-23
MICROBREWERY/BREW PUB/TASTING ROOM
1ST AND 3RD FLOORS OF THE BUILDING
1004 SOUTH OLDE ONEIDA STREET**

WHEREAS, Thomas Lonsway, Stone Arch Brewpub, Inc., has applied for a Special Use Permit to expand alcohol sales and service by proposing to occupy ± 3,000 s.f. of the building's 3rd floor for events associated with microbrewery/brewpub located at 1004 South Olde Oneida Street, also identified as Parcel Number 31-4-0323-01; and

WHEREAS, the proposed 3rd floor event space with alcohol sales and service requires a new Special Use Permit required pursuant to Chapter 23 of the Municipal Code and Special Use Permit #1-12. If approved, Special Use Permit #6-23 will replace Special Use Permit #1-12; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on June 14, 2023 on Special Use Permit #6-23, 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 and Economic 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 #6-23 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 21, 2023.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic 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 #6-23 to expand the existing microbrewery/brewpub operations to the 3rd floor of the building with alcohol sales and service located at 1004 South Olde Oneida Street, also identified as Parcel Number 31-4-0323-01, 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 #6-23 to expand the existing microbrewery/brewpub operations to the 3rd floor of the building with alcohol sales and service located at 1004 South Olde Oneida Street, also identified as Parcel Number 31-4-0323-01, 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 #6-23:

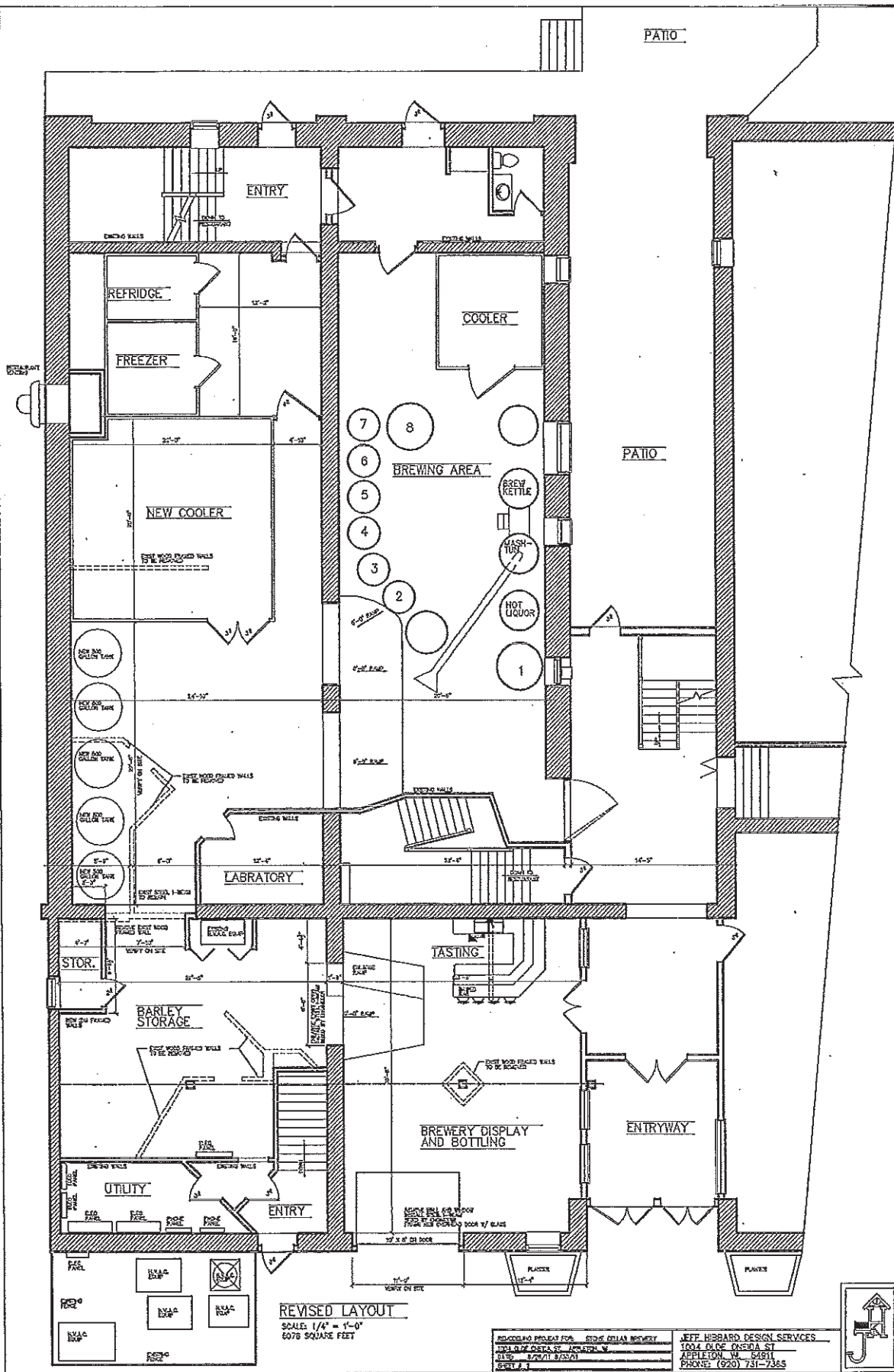
- A. The applicant shall receive approval of an Alcohol License Premise Amendment from the City Clerk prior to serving alcohol on the premise.
 - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - C. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - D. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.
 - 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 and Economic Development Department to discuss any proposed changes.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this _____ day of _____, 2023.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk



REVISED LAYOUT
 SCALE: 1/4" = 1'-0"
 6076 SQUARE FEET

ARCHITECT PROJECT FOR: STONE CULLEN BREWERY
 1004 OLDE ONEIDA ST. APPLETON, WI
 DATE: 8/29/11 8/30/11
 SCALE: 1/4"

JEFF HIBBARD DESIGN SERVICES
 1004 OLDE ONEIDA ST
 APPLETON, WI 54911
 PHONE: (920) 751-7365



Appleton
 City Plan Commission
 2-20-12

1004 Olde Oneida Street
 Special Use Permit - Light Manufacturing for Brewery Operation and Bar
 Floor Plan

PLAN OF OPERATION AND LOCATIONAL INFORMATION
1st Floor MICROBREWERY and Tasting Room

Business information:

Name of Business: STONE CELLAR BREWPUB, INC

Years in operation: 7

Type of the proposed establishment (detailed explanation of business): _____

BREWERY, PACKAGING + BAR AREA

Are there plans for a tasting/tap room? Yes No _____

If applicable, percentage of business derived from the sale of alcohol for on-site consumption in the tasting/tap room: 100%

Hours of Operation: 5 PM - TO 10 PM Days of Operation: 7 DAYS OF WEEK

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: 50 persons.

Current production of fermented malt beverages: 37,200 gallons per year.

Proposed production of fermented malt beverages: 186,000 gallons per year.

Identify location of grain storage and type of storage container(s) used: INSIDE - STORAGE ROOM AND A GRAIN SILO ADJACENT TO BLDG.

Identify location of spent or used grain storage and type of storage container(s) used: BACK ROOM AREA IN LARGE PLASTIC BINS

Outdoor uses:

Location, type, size and design of outdoor facilities: NONE PROPOSED

Type and height of screening: plantings/fencing/gating _____

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

Hours of Operation: _____ Days of Operation: _____

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

~~If yes, describe soundproofing measures: _____~~

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

Outdoor lighting:

~~Type: _____~~ *NONE PROPOSED*

~~Location: _____~~

Off-street parking:

Number of parking spaces provided *105*.

Off-street loading:

Number of loading spaces or loading docks provided *ON WEST & EAST SIDE OF BLDG.*

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 taverns, restaurants or microbrewers _____

PULLMAN'S & UNION JACK'S

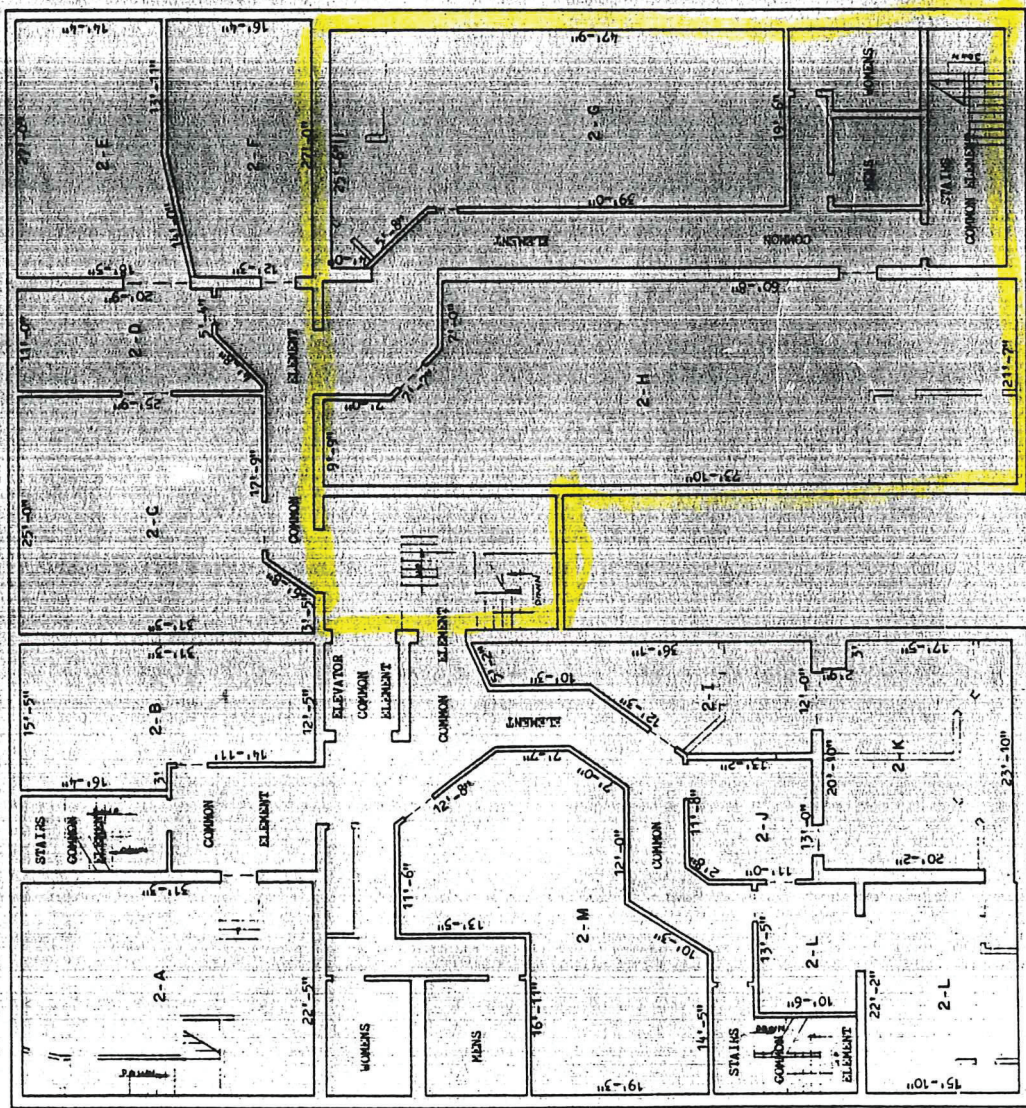
Amusement Devices:

~~Number of video games: _____ Pool Tables: _____~~

~~Other amusement devices: _____~~ *NONE PROPOSED*

BETWEEN THE LOCKS CONDOMINIUM

CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



11'-20"

SECOND FLOOR

BUILD AREA	SHALL BE
2-A	2-A
2-B	2-B
2-C	2-C
2-D	2-D
2-E	2-E
2-F	2-F
2-G	2-G
2-H	2-H
2-I	2-I
2-J	2-J
2-K	2-K
2-L	2-L

NOTES: 1. ALL UNITS MUST HAVE ACCESS THROUGHOUT TO ALL OTHER UNITS.
2. ALL UNITS MUST HAVE ACCESS THROUGHOUT TO ALL OTHER UNITS.
3. ALL UNITS MUST HAVE ACCESS THROUGHOUT TO ALL OTHER UNITS.

Yellow Highlight: 3rd Floor Event Space with Alcohol Sales and Consumption (3,000 s.f)

PLAN OF OPERATION AND LOCATIONAL INFORMATION
3rd floor Event Space

Business Information:

Name of business: Stone Arch Brewpub, Inc

Years in operation: 18

(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 _____

Detailed explanation of proposed business activities:

Existing Microbrewery/packing operation with tasting room per SUP # 1-12. Proposed to expand operation on the 3rd floor of the existing building for meetings, parties, events with food and beverages and occasionally live music.

Existing gross floor area of building/tenant space, including outdoor spaces:
(square feet) 13,000 s.f. tenant space

Proposed gross floor area of building/tenant space, including outdoor spaces:
(square feet) 3,000 s.f. 3rd floor area

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: TBD persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	11 am	10 am
Friday	11 am	10 am
Saturday	11 am	10 am
Sunday	11 am	10 am

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

X 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 _____.

X 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:

Live Bands.

Describe how the crowd noise will be controlled inside and outside the building:

Sound panels and Staff.

Off-Street Parking:

Number of spaces existing on-site: 105

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?

Access is adequate.

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:

None.

Number of Employees:

Number of existing employees: 53

Number of proposed employees: 56

Number of employees scheduled to work on the largest shift: 28