



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: June 13, 2017

Common Council Meeting Date: No formal action required

Item: Tandem Wine & Beer - Minor Amendment to Special Use Permit #11-05 to allow alcohol consumption within a 265 square foot outdoor area along the east side of the building

Case Manager: Don Harp

GENERAL INFORMATION

Applicant: George Koenig, Tandem Wine & Beer

Address/Parcel #: 1350 West College Avenue/31-5-1775-00

Petitioner's Request: The applicant is requesting a Minor Amendment to Special Use Permit #11-05 to allow alcohol consumption within a 265 square foot outdoor area along the east side of the building.

BACKGROUND

Special Use Permit #11-05 was approved for Retail Wine and Food Sales with Alcohol Service (wine tasting) by the Plan Commission on June 20, 2005, and approved by the Common Council on July 6, 2005 subject to the following:

1. The serving and consumption of alcohol is limited to that section of floor area identified on the submitted development plan only. Any future expansion of the building or floor areas for the serving and/or consumption of alcohol will require a new Special Use Permit application to be applied for and approved.
 - *On-going condition.*
2. The applicant shall apply to the City Clerk to amend the current Liquor License, or obtain a more applicable liquor license, to include that floor area proposed for consumption of alcohol. Any expansion of that area proposed for alcohol consumption requires approval of or amendment to the liquor license from the Safety and Licensing Committee and Common Council.
 - *On-going condition.*
3. All City of Appleton and State of Wisconsin Building Codes must be met.
 - *On-going condition.*
4. All City of Appleton Fire Codes must be met.
 - *On-going condition.*

Minor Amendment to Special Use Permit #11-05

June 13, 2017

Page 2

STAFF ANALYSIS

Existing Site Conditions: The property is developed with an existing retail wine and beer store with wine bar and currently holds a “Class B” Beer/Liquor License which allows alcoholic beverages to be sold and consumed on the premises.

Outdoor Alcohol Consumption Area: The proposed outdoor area consists of the following operation details: (see attached operational plan)

- Location: East side of building.
- The alcohol will be served inside the building and be brought outside by the customer.
- The outdoor area will be delineated with a 6-foot high fence constructed on the north side and plantings along the east side and portion of the south side.
- Surface material consists of existing grass.
- A ramp will be installed from the glass door.
- The outdoor area will be utilized during the hours of operation: Monday, Tuesday, Wednesday, and Thursday – 4:00 p.m. to 9:00 p.m., Friday – 4:00 p.m. to 9:00 p.m. and Saturday – 2:00 p.m. to 9:00 p.m.

Surrounding Zoning and Land Uses:

North: R-2 Two-family District – Two Family Residential

R-1B Single-family District – Residential

South: R-1B Single-family District – Residential

West: C-2 General Commercial District – Retail Business

East: C-2 General Commercial District – Office/Retail Business

2010-2030 Comprehensive Plan: The Community and Economic Development staff has reviewed the City’s 2010-2030 Comprehensive Plan which indicates this area is appropriate for commercial uses as part of the general commercial district.

Overall Community Goals

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.

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

Minor Amendment to Special Use Permit #11-05

June 13, 2017

Page 3

Off-Street Parking Requirements: No increase in occupancy or building floor area is proposed with this request. Therefore, no additional off-street parking spaces are required pursuant to the Planned Development Overlay requirements that apply to the subject site.

Ordinance Requirements: This item has been referred to the Plan Commission per Section 23-66(g) of the Zoning Ordinance, which states:

(1) *Minor change.* Minor changes shall be submitted to and reviewed by the Plan Commission. Minor changes include:

- a. Expansions of special uses of less than ten (10) percent.

The proposed 265 square foot outdoor seating area constitutes less than 10% expansion.

- b. Other changes which keep with the general intent and character of the Special Use Permit previously issued.

This minor amendment request is consistent with the general intent and character of Special Use Permit #11-05, as the subject site will continue to be used for a retail wine and beer store with wine bar with alcohol sales and consumption.

Note: Minor amendments to existing Special Use Permits do not require Common Council action.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6), which were found in the affirmative.

According to the applicant's proposed development plan, the plan delineates the proposed outdoor area with alcohol consumption with a 6-foot high fence constructed on the north side and plantings along the east side and portion of the south side. The proposed use does not appear to be incompatible with the neighborhood character/commercial corridor, purpose and intent of the Zoning Ordinance and General Commercial District or the 2010-2030 Comprehensive Plan. Conditions are drafted for this request to offset any potential impacts to the public interest (welfare or well-being of the general public).

Technical Review Group (TRG): This item was discussed at the May 23, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Minor Amendment to Special Use Permit #11-05, for an outdoor seating area with alcohol consumption, as shown on the attached map and per attached plan of operation, **BE APPROVED** to run with the land at 1350 West College Avenue subject to the following conditions:

Minor Amendment to Special Use Permit #11-05

June 13, 2017

Page 4

1. The serving and consumption of alcohol is limited to the interior ground floor and the outdoor seating area (east side of building) identified by the submitted development plans. Any future expansions beyond the interior ground floor and the outdoor seating area (east side of building) identified by the submitted development plans for the serving and/or consumption of alcohol may require a new Special Use Permit application to be applied for and approved.
2. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
3. All City of Appleton and State of Wisconsin Building and Fire Codes must be met.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
5. All Noise Ordinances shall be adhered to at all times.
6. The applicant shall apply to the City Clerk to amend the current Liquor License to include the outdoor seating with alcohol consumption located on the east side of the building.
7. The applicant shall apply for a building permit from the Inspections Division prior to the installation of the 6 foot fence.

**TAVERN AND/OR RESTAURANT WITH ALCOHOL SALES
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

Business Information:

Name of business: Tandem Wine & Beer

Years in operation: 1 year 8 mos

Percentage of business derived from restaurant service: 2 %

Type of proposed establishment (detailed explanation of business):

Tandem Wine and Beer LLC is a retail outlet for wine, beer and spirits. In addition we operate a small wine bar in the interior rear space. We propose to allow customers to consume alcohol outside.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day <i>MTWR</i>	<i>11 AM</i>	<i>9 PM</i>
Friday	<i>11 AM</i>	<i>9 PM</i>
Saturday	<i>11 AM</i>	<i>9 PM</i>
Sunday	<i>11 AM</i>	<i>9 PM</i>

Building Capacity and Area:

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: 15 persons

Gross floor area of the existing building(s): 2700 Square feet

Gross floor area of the proposed building(s): 265 Square feet
OUTDOOR AREA

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources:

N/A

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

Proposed 6ft fence on N. Side of
Seating area to control noise related
to residential overlay

If off-street parking is available for the business, describe how noise from the parking lot will be controlled:

NA

Outdoor Uses:

Location, type, size and design of outdoor facilities:

one 6 ft fence @ side and ramp from door to designated
outdoor area.

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

Boundary fence - propose planting of bushes for demarcation of space on @ side.
**No serving outside - request permit to allow carry out*

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

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 Uses:

Day	From	To
Week Day <i>MTWRF</i>	<i>4 PM</i>	<i>9 PM</i>
Friday	<i>4 PM</i>	<i>9 PM</i>
Saturday	<i>2 PM</i>	<i>9 PM</i>
Sunday		

Outdoor Lighting:

Type: Security light - above door

Location: above door exterior

Off-Street Parking:

Number of spaces existing: _____

Number of spaces proposed: _____

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

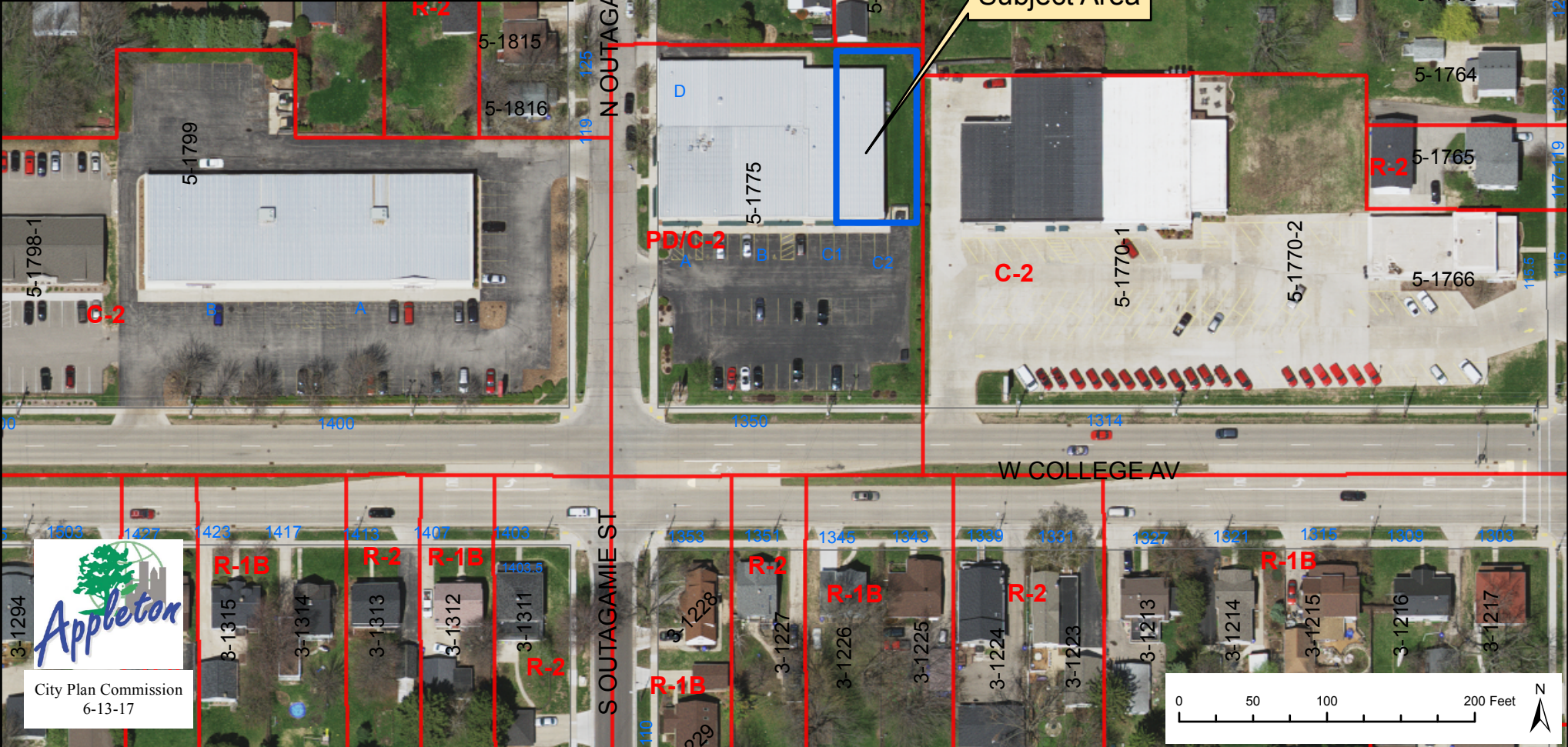
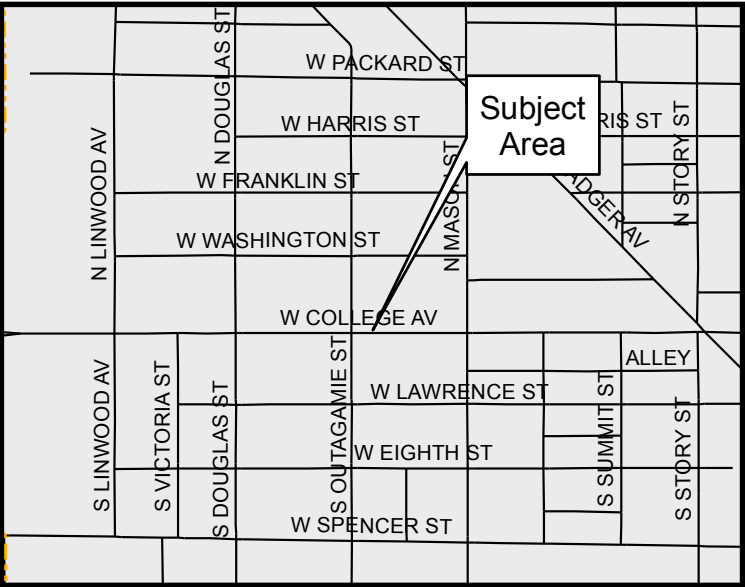
Number of Employees:

Number of existing employees: 6

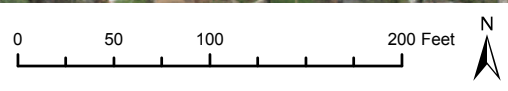
Number of proposed employees: 6

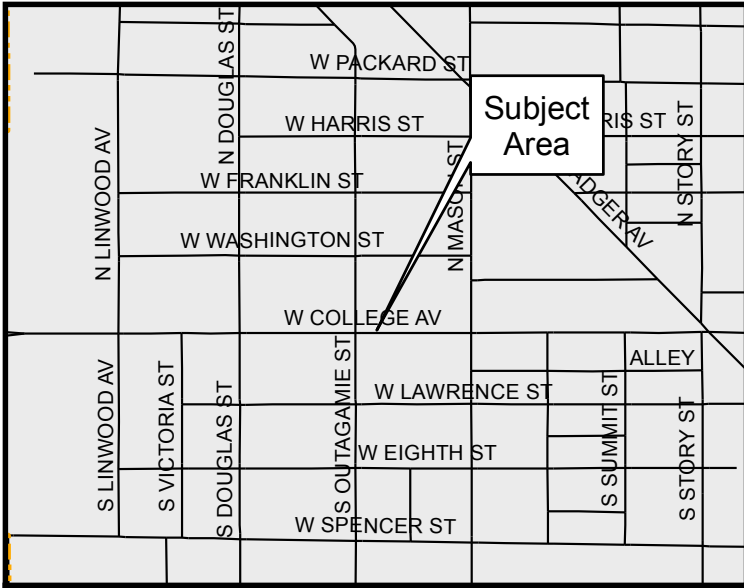
Number of employees scheduled to work on the largest shift: 3

Minor Amendment to SUP #11-05
Tandem Wine and Beer
1350 West College Ave
Outdoor Area with Alcohol Consumptions

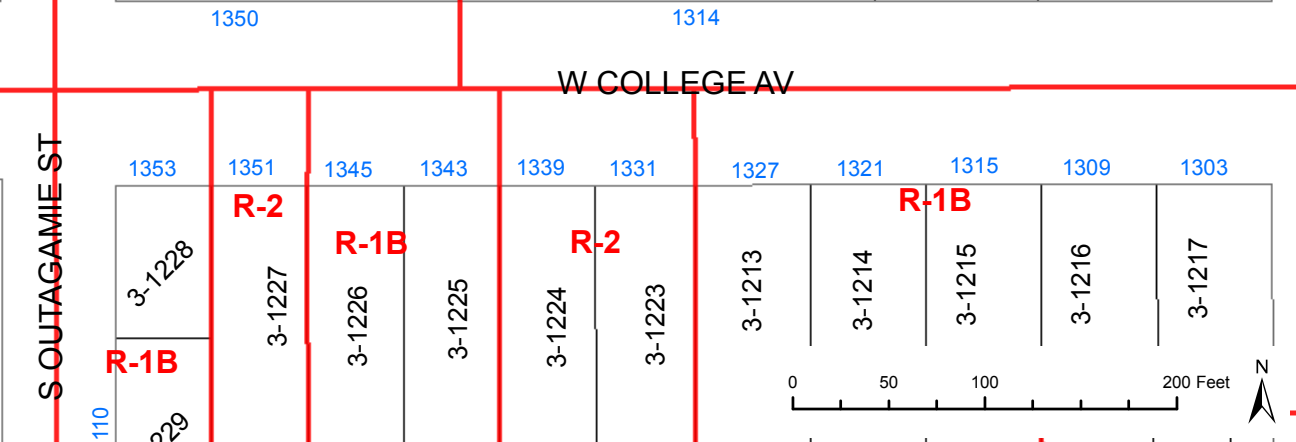
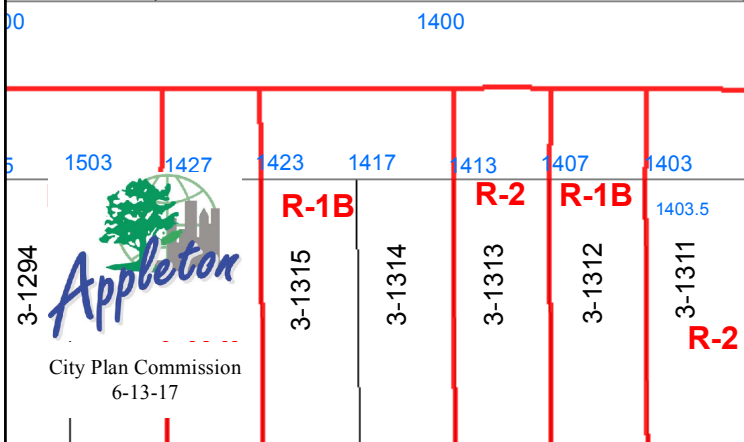
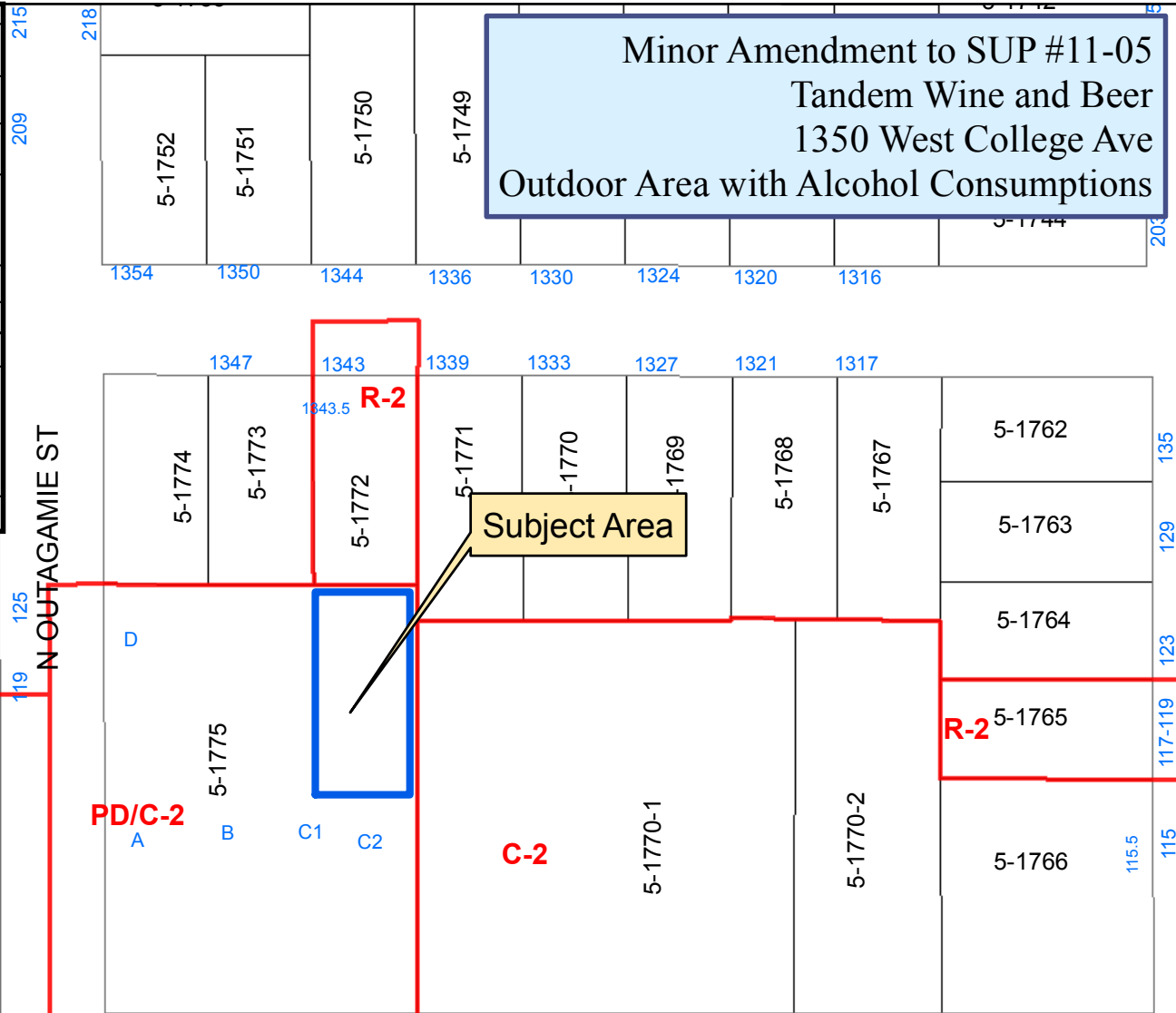
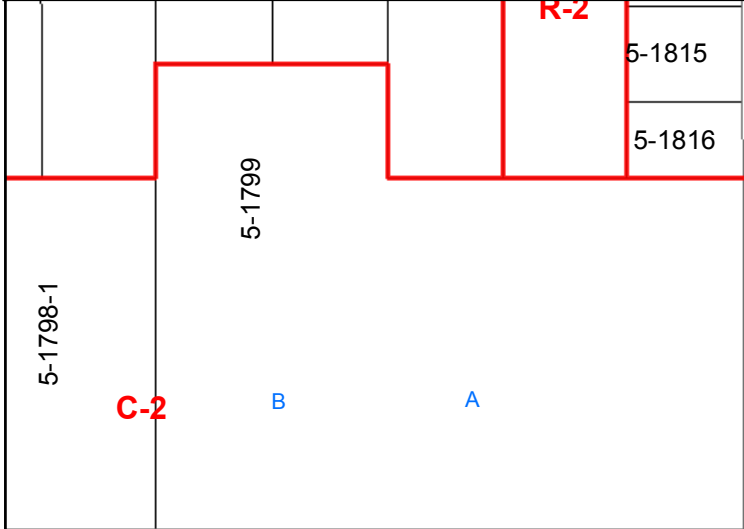


City Plan Commission
6-13-17

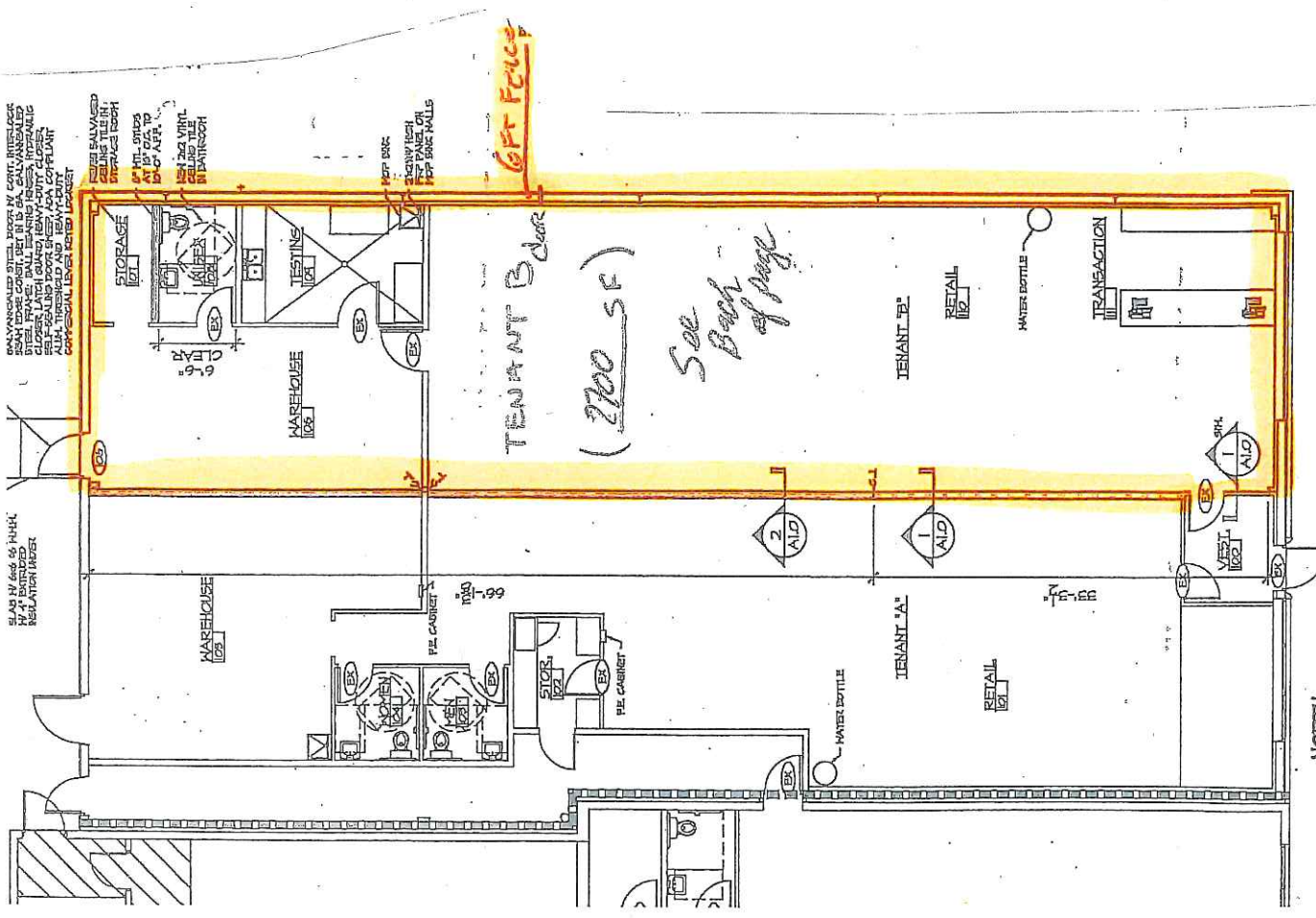




Minor Amendment to SUP #11-05
 Tandem Wine and Beer
 1350 West College Ave
 Outdoor Area with Alcohol Consumptions



Minor Amendment to SUP #11-05
 Tandem Wine and Beer
 1350 West College Ave
 Outdoor Area with Alcohol Consumptions



CONTRACTOR SHALL VERIFY BY OWN INSPECTION THAT ALL WORK IS IN ACCORDANCE WITH THE CITY OF APPLETON PERMITS AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF APPLETON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF APPLETON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF APPLETON.

6 FT FENCE

TENANT B door

(2700 SF)

See Back of page

FLOOR PLAN
 1/8" = 1'-0"



Minor Amendment to SUP #11-05
 Tandem Wine and Beer
 1350 West College Ave
 Outdoor Area with Alcohol Consumptions

