



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** July 21, 2014

**Common Council Meeting Date:** August 6, 2014

**Item:** Special Use Permit #9-14 – Mari Kessenich – Pinot’s Palette for a restaurant with alcohol sales at 226 East College Avenue -Tax Parcel Number 31-2-0322-00.

**Case Manager:** Don Harp

### GENERAL INFORMATION

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**Owner/Applicant:** Property owner: Will and Pam Weider  
Applicant: Mari Kessenich – Pinot’s Palette

**Address/Tax Parcel #:** 226 East College Avenue/31-2-0322-00.

**Owner/Applicant Request:** The owner/applicant is requesting a Special Use Permit for restaurant with alcohol sales which includes painting classes and instruction for public groups of people or small private events within the building.

### BACKGROUND

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This building is the former Conkey’s Bookstore.

### STAFF ANALYSIS

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**Zoning Ordinance Requirements:** In order to obtain a Special Use Permit for alcohol sales and consumption in conjunction with the proposed restaurant, the Plan Commission makes a recommendation to the Common Council, who will make the final decision.

**Indoor Alcohol Sales and Consumption Area:** 1<sup>st</sup> floor of the building. (see attached development and operational plan)

**Outdoor Alcohol Consumption Area:** No outdoor alcohol service and consumption is requested with this application for Special Use Permit.

**2010-2030 Comprehensive Plan:** The 2010-2030 Future Land Use Map currently represents this area to be used for central business district. The proposed zoning classification is consistent with the City’s Comprehensive Plan and is consistent with the purpose and intent of the CBD Central Business District.

### **Overall Community Goals**

- **Goal 1 – Community Growth** (Chapter 10 – Land Use)  
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.

**Purpose of CBD Central Business District**

This district is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment and governmental uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

**Surrounding Zoning Classification and Current Land Uses:**

- **North:** Zoning: CBD, Central Business District  
Current Land Use: Retail & Offices
- **South:** Zoning: CBD, Central Business District  
Current Land Use – Retail & Restaurant
- **East:** Zoning: CBD, Central Business District  
Current Land Use – Retail
- **West:** Zoning: CBD, Central Business District  
Current Land Use – Retail & Personal Service

**Technical Review Group Report (TRG):** This item was discussed at the July 8, 2014 Technical Review Group meeting. No negative comments were received from participating departments.

**Finding of Fact:** Prior to the granting of any special use permit, the Plan Commission may recommend and the Common Council may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in 23-66 (e)(1-6). 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.

Alcohol sales and consumption are a common use in the central business district area. The applicant's activity proposes alcoholic beverage sales/service to customers during a meal and/or painting classes and does not appear to be incompatible with the neighborhood character, purpose and intent of the Zoning Ordinance and Central Business 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).

**RECOMMENDATION**

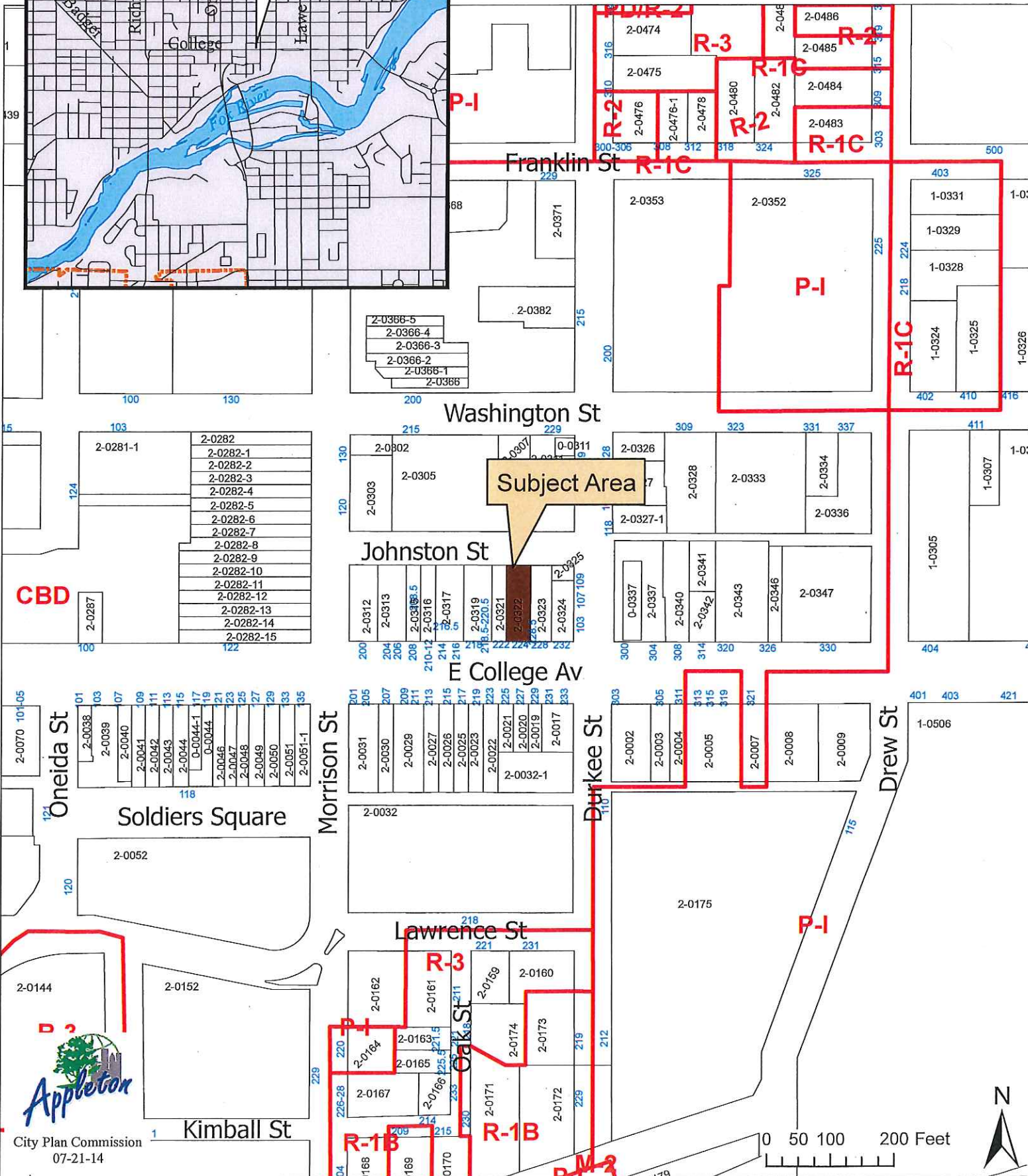
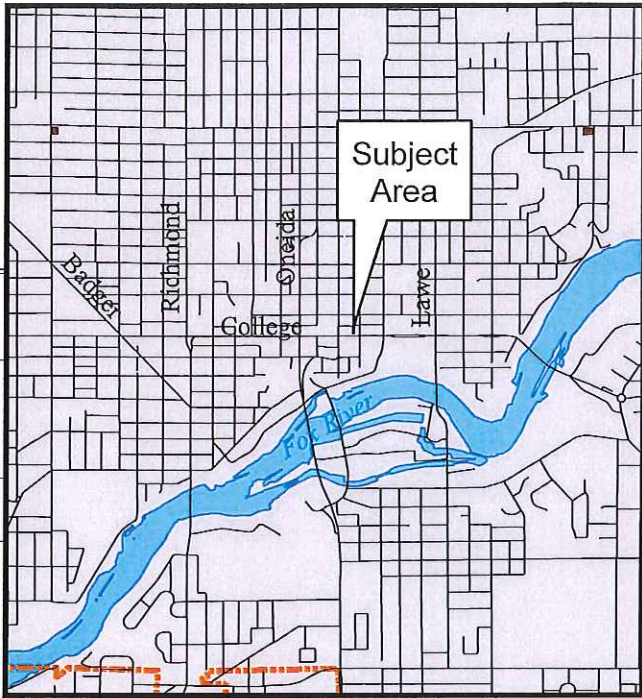
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Staff recommends, based on the above, that Special Use Permit #9-14 to allow alcohol sales and consumption located at 226 East College Avenue -Tax Parcel Number 31-2-0322-00, to run with the land, **BE APPROVED** and subject to the following conditions:

1. Compliance with the attached Development Plan showing site layout and the floor plan and Operation Plan is required at all times per 23-66(d)(5). Changes to the Development Plan drawings and Operation Plan may require an amendment to the Special Use Permit or a new Special Use Permit.
2. The applicant shall comply with the standards established on Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.

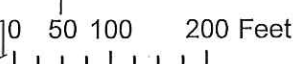


226 East College Avenue  
 Special Use Permit  
 Restaurant with Alcohol Sales  
 Zoning Map



Subject Area

CBD



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

**Business information:**

Name of Business: PINOT'S palette

Years in operation: initial.

Percentage of business derived from restaurant service: 80 %

Type of the proposed establishment (detailed explanation of business): \_\_\_\_\_

We offer public & private painting classes - and will have wine, beer & cheese/crackers for purchases

Hours of Operation: 7-9/10 PM. Days of Operation: Thurs, Fri, Sat

Noise, crowd, parking lot control methods: pinot's palette staff will be

responsible for noise control within the space. parking lot control is non-applicable & we will not have crowds as

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.

We only have a certain # of seats

**Outdoor uses:**

Location, type, size and design of outdoor facilities: N/A.

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: Business Signage relative to city of appleton code

Location: Storefront.



**Off-street parking:**

Number of spaces provided N/A.

**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: Jim's place, wooden nickel, knotted pianos

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**Amusement Devices:**

Number of video games: 0 Pool Tables: 0

Other amusement devices: N/A

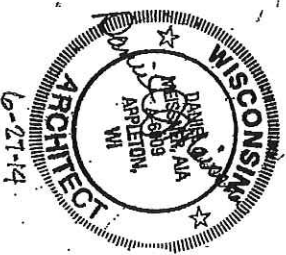
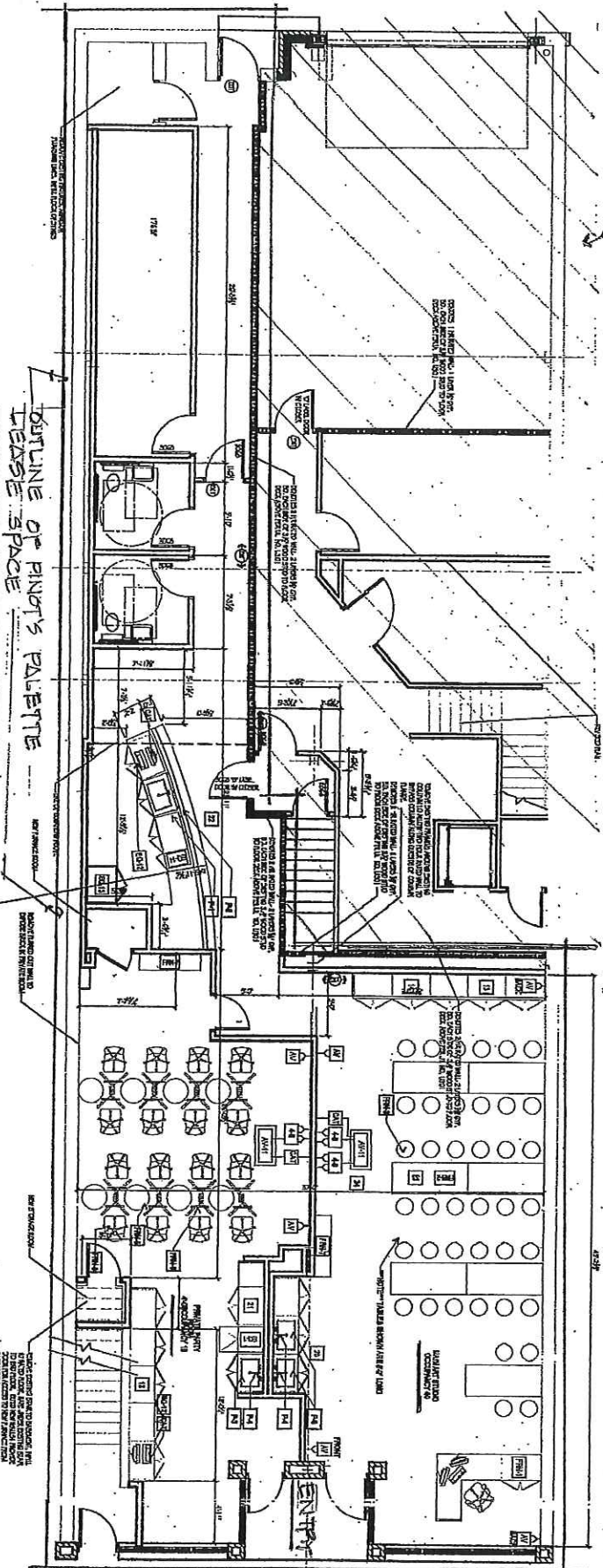
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226 East College Avenue  
Special Use Permit  
Restaurant with Alcohol Sales

PINOT'S PALETTE  
FIRST FLOOR ATW  
147 - 150  
1500 SF (APPROXIMATE)

OUTLINE OF PINOT'S PALETTE  
LEASE SPACE

WEIDER RESIDENCE



NO.	DATE	REVISION

PROPOSED BUILDING FOR:  
**WEIDER RESIDENCE/PINOT'S PALETTE**  
224 EAST COLLEGE AVENUE  
APPLETON WISCONSIN

Architect:  
**Daniel J. Meissner, AIA, LLC**  
819 East College Street, Appleton, WI 54912-2440, cell 920-552-2281

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