



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: May 12, 2014

Common Council Meeting Date: May 21, 2014

Item: Special Use Permit #5-14 - The Trout Museum of Art, to expand alcohol sales and consumption inside the building to include the 3rd, 4th and 5th floors and the exterior space located on the west side of the building located at 111 West College Avenue -Tax Parcel Number 31-2-0066-00.

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Property owner: Appleton Art Center, Inc.
Applicant: Pamela Williams-Lime, President - The Trout Museum of Art

Address/Tax Parcel #: 111 West College Avenue/31-2-0066-00

Owner/Applicant Request: The owner/applicant is requesting a Special Use Permit to expand alcohol sales and consumption inside the building to include the 3rd, 4th and 5th floors and the exterior space located on the west side of the building.

BACKGROUND

- On April 19, 2014, the Plan Commission approved Minor Amendment to Special Use Permit #32-05 to allow alcohol sales and consumption on the 3rd floor of the building in lieu of the 1st and 2nd floors of the building located at 111 West College Avenue for April 19, 2014, subject to the following condition:
 1. Minor amendment to Special Use Permit 32-05 shall expire on April 20, 2014 for alcohol sales and consumption on the 3rd floor of the building.
- On April 2, 2014, the Safety and Licensing Committee and Common Council approved the change of premise description of the current liquor license to include the 3rd, 4th and 5th floors and the exterior space located on the west side of the building.
- On December 12, 2005, the Plan Commission and on December 21, 2005, the Common Council approved Special Use Permit #32-05 to allow alcohol sales on the 1st and 2nd floors of the building, subject to:
 1. The applicant shall apply for and receive a Liquor License from the City Clerk prior to serving alcohol on the subject site and shall conform to the standards established in Chapter, Article III, Alcoholic beverages, of the Appleton Municipal Code. *(This is an on-going condition. Currently, the owner/applicant possesses a valid Liquor License for the sale and consumption of alcohol on the subject site.)*

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2. Any future expansions into any area of building/property not part of this approval for the purpose of serving and/or consumption of alcohol will require a new Special Use Permit application or minor amendment request to be applied for and approved. (*Expansions are proposed with this request, therefore, the applicant was required to apply for and receive approval of a new Special Use Permit.*)

STAFF ANALYSIS

Zoning Ordinance Requirements: In order to expand the sale of alcohol for on-site consumption to the 3rd, 4th and 5th floors and the exterior space located on the west side of the building, a Special Use Permit must be approved by Common Council per the Zoning Ordinance regulations. If approved, Special Use Permit #5-14 will replace Special Use Permit #32-05.

Indoor Alcohol Sales and Consumption Area: 1st, 2nd, 3rd, 4th and 5th floors of the building during opening receptions/exhibits and special events. (see attached operational plan)

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

- Location: West side of building.
- The alcohol will be served inside the building and be brought outside by the visitor.
- The outdoor area will be enclosed with freestanding stanchions (3 ½ feet high)
- A security guard or staff person will be present to monitor the visitors and ensure they stay on the museum property.
- Surface material consists of existing grass and concrete.
- The outdoor area will be utilized during opening receptions/exhibits and special events.

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

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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: City Center Plaza (retail, offices and restaurants)
- **South:** Zoning: CBD, Central Business District
Current Land Use – Houdini Plaza
- **East:** Zoning: CBD, Central Business District
Current Land Use – Bazil's (restaurant with alcohol)
- **West:** Zoning: CBD, Central Business District
Current Land Use – Houdini Plaza

Historic Preservation: It is also important to note that the building located at 111 West College Avenue is located within the College Avenue Historic District which is listed on the National Register of Historic Places. Owners of property that have buildings contributing to a historic district listed in the National or Wisconsin State Register of Historic Places or own non-historic building built before 1939 may be eligible for tax credits that can help pay for building rehabilitation projects. For more information the owner/applicant should contact Wisconsin Historical Society's Division of Historic Preservation (DHP), Mark Buechel at 608-264-6491.

Technical Review Group Report (TRG): This item was reviewed by the Technical Review Group meeting.

Police Department Comments: (Please see attached)

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 visitors of the museum during opening receptions, exhibits and special events 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

Staff recommends, based on the above, that Special Use Permit #5-14 to allow alcohol sales and consumption located at 111 West College Avenue -Tax Parcel Number 31-2-0066-00, 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 is required at all times per 23-66(d)(5). Changes to the Development Plan drawings may require an amendment to the Special Use Permit or a new Special Use Permit.
2. When alcohol is being consumed outside of the building, the applicant shall place stanchions at least 3 ½ feet high around the perimeter of the outdoor area on the west side of the building and have a security guard or museum staff monitor this area at all times during use and operation.
3. Special Use Permit #32-05 will be null and void and be replaced with Special Use Permit #5-14.



Appleton Police Department CPTED Team Recommendation for Outdoor Alcohol Service

Date: August 17, 2011
Pre-Site Plan Review

RE: Guidelines

Lighting

- Provide adequate lighting to proposed area.
- Exterior lighting (other than decorative lighting) **shall** be metal halide or LED.

Fencing/landscaping

- Provide landscaping around the exterior of the fenced area to create Territoriality.
- All plantings, at maturity, be kept at 3'- 7' rule.
- Height of the fence should be 6 feet.
- The area proposed to be used to consume alcohol must be contained within the fenced in area.
- The fence should be constructed to prevent the pass thru of alcohol or other items. A suggestion would be a board on board type construction.
- An exit gate must be installed in the fence. All gates shall be kept closed and locked with push / panic bars for security. These gates shall be used as emergencies exits only. Check with Fire Dept. for requirements.

Alcohol sales

- If alcohol is served outside in the patio area, be sure to comply with serving requirements. A licensed bartender must be present to initiate and complete the sale of the alcohol or a licensed bartender must directly observe the transaction.

Other

- Check with Fire Dept. to verify capacity and how this addition will affect the present limits.

Appleton Police CPTED Team
Sgt Dennis Weyenberg
(920) 832-5501

NOTE: Survey recommendations, if implemented, should substantially reduce a criminal opportunity but are not to be construed as a guarantee that a crime will not occur on the premise.

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

Business information:

Name of Business: Fox Cities Building for the Arts, Inc.

Years in operation: 54

Percentage of business derived from restaurant service: 0 %

Type of the proposed establishment (detailed explanation of business): Arts organization that operates The Trust Museum of Art, arts education and programming, office space for other arts organizations.

Hours of Operation: ① 10 AM - 4 PM Days of Operation: ① TUES - SAT * See attachment
② 12 PM - 4 PM ② SUN

We also hold events outside of our regular hours listed above, mostly in the evening.

Noise, crowd, parking lot control methods: Events that generate noise (i.e. concerts) are held indoors

and kept to a reasonable noise level. Our staff and security officers are present to control crowds, although events rarely exceed 100 guests. Visitors park in the Midtown parking ramp. 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: 995 persons.

Outdoor uses:

Location, type, size and design of outdoor facilities: Outdoor space is on the west side of the building. The purpose of requesting this space be added to our liquor license is so that visitors may go outside after obtaining their drink inside. See attached drawing for site information.

Type and height of screening: plantings/fencing/gating on our property. A security guard or staff person will always be stationed outside during events to monitor visitors and ensure they stay on our property.

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

Hours of Operation: variable Days of Operation: variable * See attachment

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

If yes, describe soundproofing measures: Any outdoor entertainment will be limited and kept to a reasonable volume. In the event we have any outdoor entertainment, it will be in conjunction with one of our existing events or with other downtown activities. We do not anticipate frequent outdoor music.

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

Outdoor lighting:

Type: Combination of spotlights on building, street lights, residual

Location: light from interior lighting.

Off-street parking:

Number of spaces provided 0. Most visitors use Midtown parking ramp.

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: Bazilis, Old Town Tavern, Cleo's, The University

Shot Bar, Mad Hatter Pub

Amusement Devices:

Number of video games: 0 Pool Tables: 0

Other amusement devices: n/a

**Fox Cities Building for the Arts, Inc.
Special Use Permit Amendment Request – Supplemental Information
4/30/14**

Fox Cities Building for the Arts office hours:

Mon – Fri: 9 am – 5 pm

The Trout Museum of Art Gallery hours:

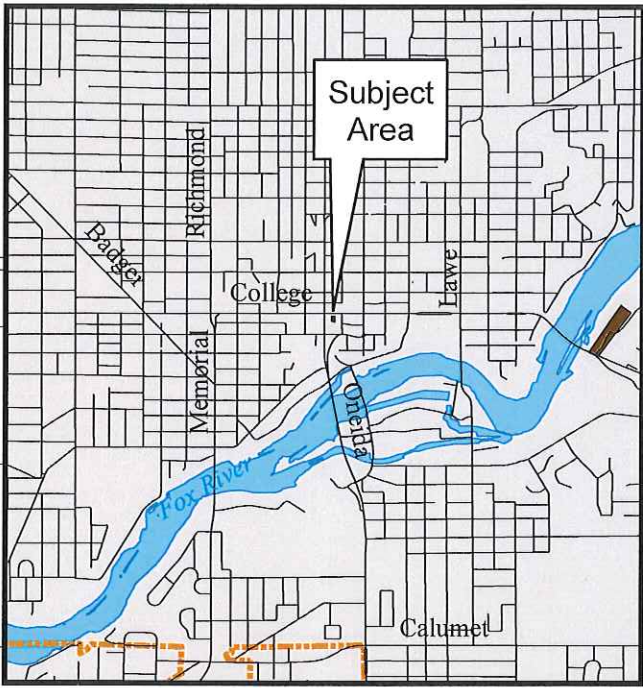
Tues – Sat: 10 am – 4 pm

Sun: 12 pm – 4 pm

Hours of events with liquor license in use:

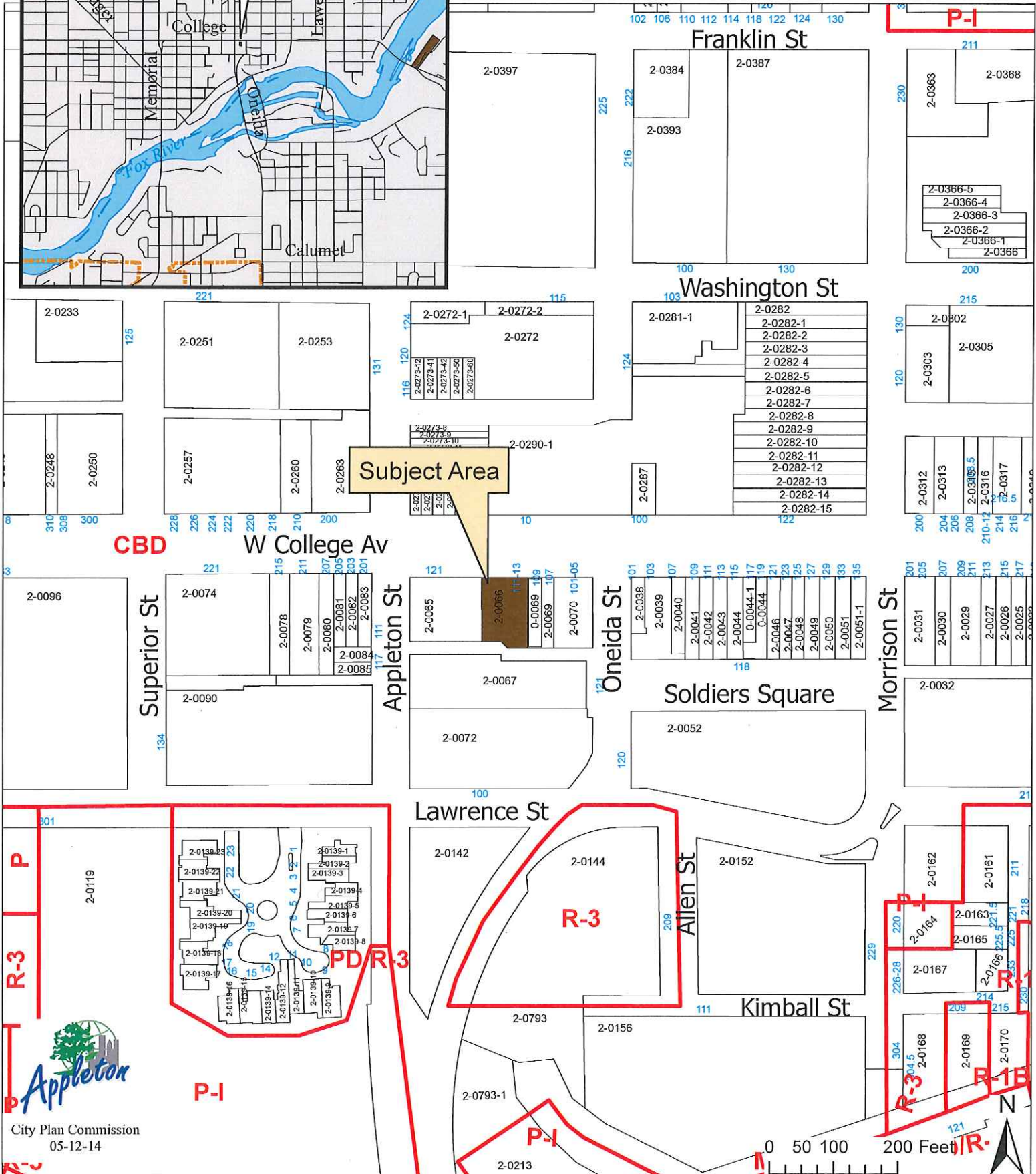
While the hours of our events vary, we anticipate use of our liquor license to normally fall between 12:00 pm and 11:00 pm on any given day, with the number of events per week normally not exceeding two.

111 West College Avenue
 Special Use Permit
 The Trout Museum of Art
 Zoning Map



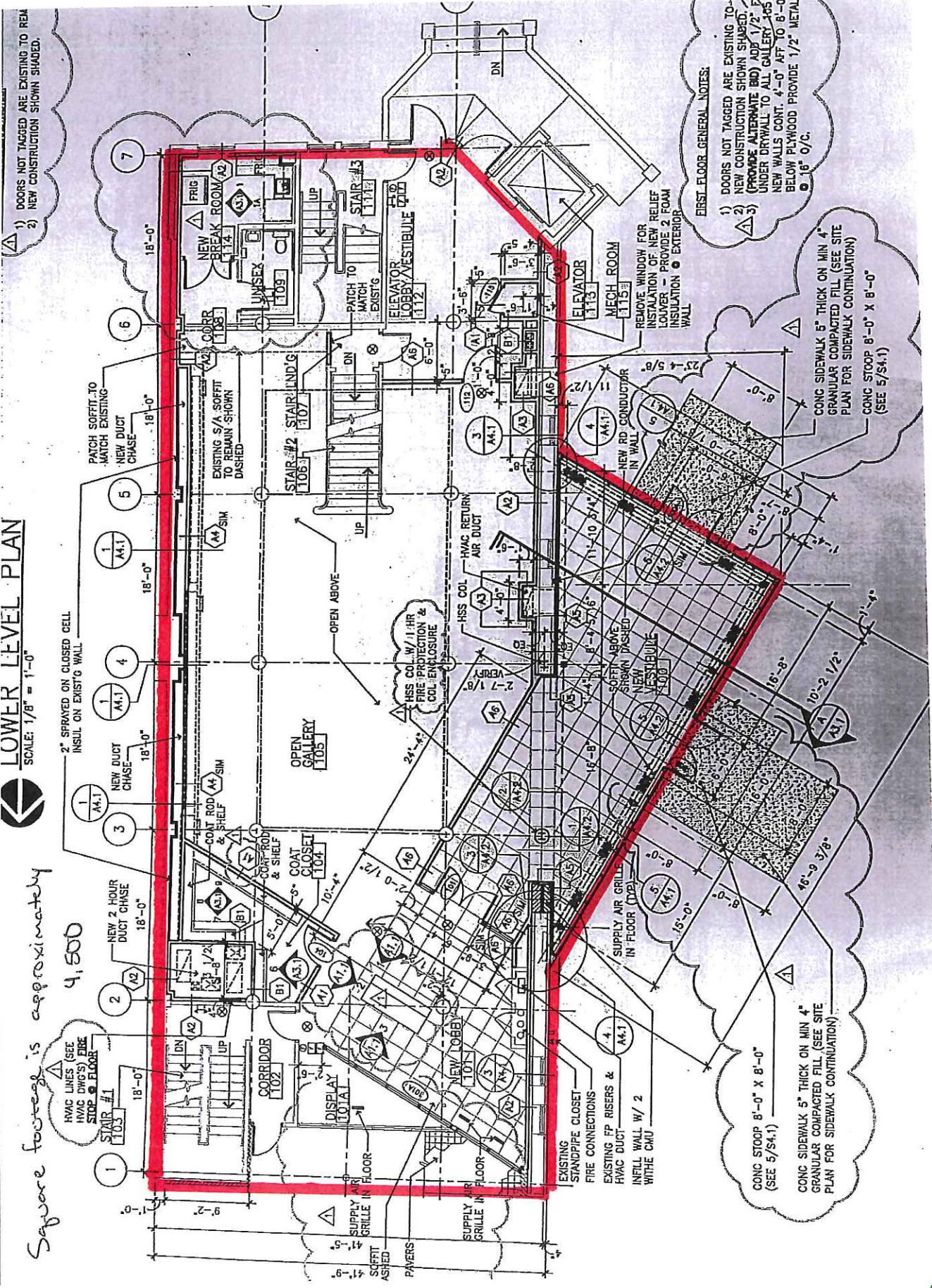
Subject Area

Subject Area



LOWER LEVEL PLAN
SCALE: 1/8" = 1'-0"

Square footage is approximately 4,500



- 1) DOORS NOT TAGGED ARE EXISTING TO REM
- 2) NEW CONSTRUCTION SHOWN SHADDED.

- FIRST FLOOR GENERAL NOTES:**
- 1) DOORS NOT TAGGED ARE EXISTING TO-
 - 2) NEW CONSTRUCTION SHOWN SHADDED.
 - 3) (PROVIDE ALTERNATE BID) ADD 1/2" P UNDER DRYWALL TO ALL GALLERY ACS
 - 4) NEW WALLS CONT. 4'-0" AFF TO 8'-0
 - 5) BELOW PLYWOOD PROVIDE 1/2" METAL @ 16" O/C.

REMOVE WINDOW FOR INSTALLATION OF NEW RELIEF LOUVER - PROVIDE 2" FOAM INSULATION @ EXTERIOR WALL

CONC STOOB 8'-0" X 8'-0" (SEE 5/S4.1)

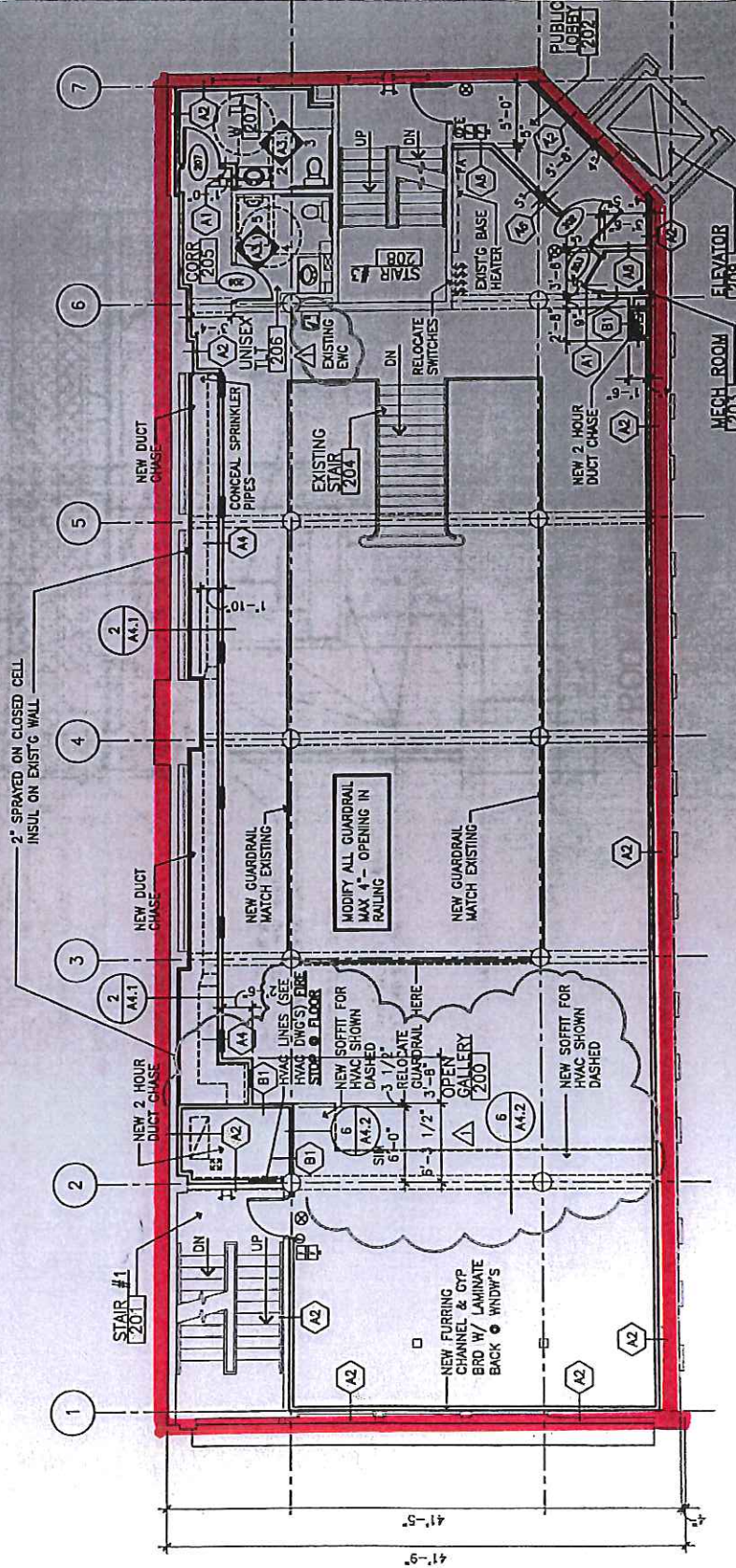
CONC SIDEWALK 5" THICK ON MIN 4" GRANULAR COMPACTED FILL (SEE SITE PLAN FOR SIDEWALK CONTINUATION)

CONC STOOB 8'-0" X 8'-0" (SEE 5/S4.1)

CONC SIDEWALK 5" THICK ON MIN 4" GRANULAR COMPACTED FILL (SEE SITE PLAN FOR SIDEWALK CONTINUATION)

Special Use Permit
The Trout Museum of Art - 111 W. College Avenue
First Floor

Square footage is approximately 3,500



Special Use Permit
 The Trout Museum of Art - 111 W. College Avenue
 Second Floor



Square footage approximately 4,100

NOTE:
-VERIFY EXISTING WALL LOCATIONS

BASE CAB W/
COUNTER TOP
AND SINK

NEW DOUBLE DOOR
PATCH IN EXISTING
OPENING

COAT RACK

DEMO DOOR
& WALL

MECH.
SHART

REMOVE DOOR &
RELOCATE PATCH
IN DOOR OPENING W/
2 HR. RATED CONSTRUCTION
TO MATCH EXISTING

STAIR

MECH.

STOR.
302

WOMENS

MEETING ROOM

ART STORAGE
2 HR RATED

NOTE:
AIR TIGHT TEMPORARY PROTECTION
REQUIRED FOR ART STORAGE

NEW MULT-USE/
CONFERENCE
ROOM
301
(32) SEATS

CORRIDOR

STAIR

MENS

ELEVATOR
LOBBY

RELOCATED DOOR
(VERIFY LOCATION
W/ OWNER STORAGE)

303

EXISTING COLUMN

301B

PATCH IN EXISTING OPENING

ELEV.

303A

303

0' - 4 3/4"

4' - 6"

0' - 4 3/4"

RELOCATE SINKS
TO 5TH FLOOR

36' - 0 5/16"

DEMO WALL

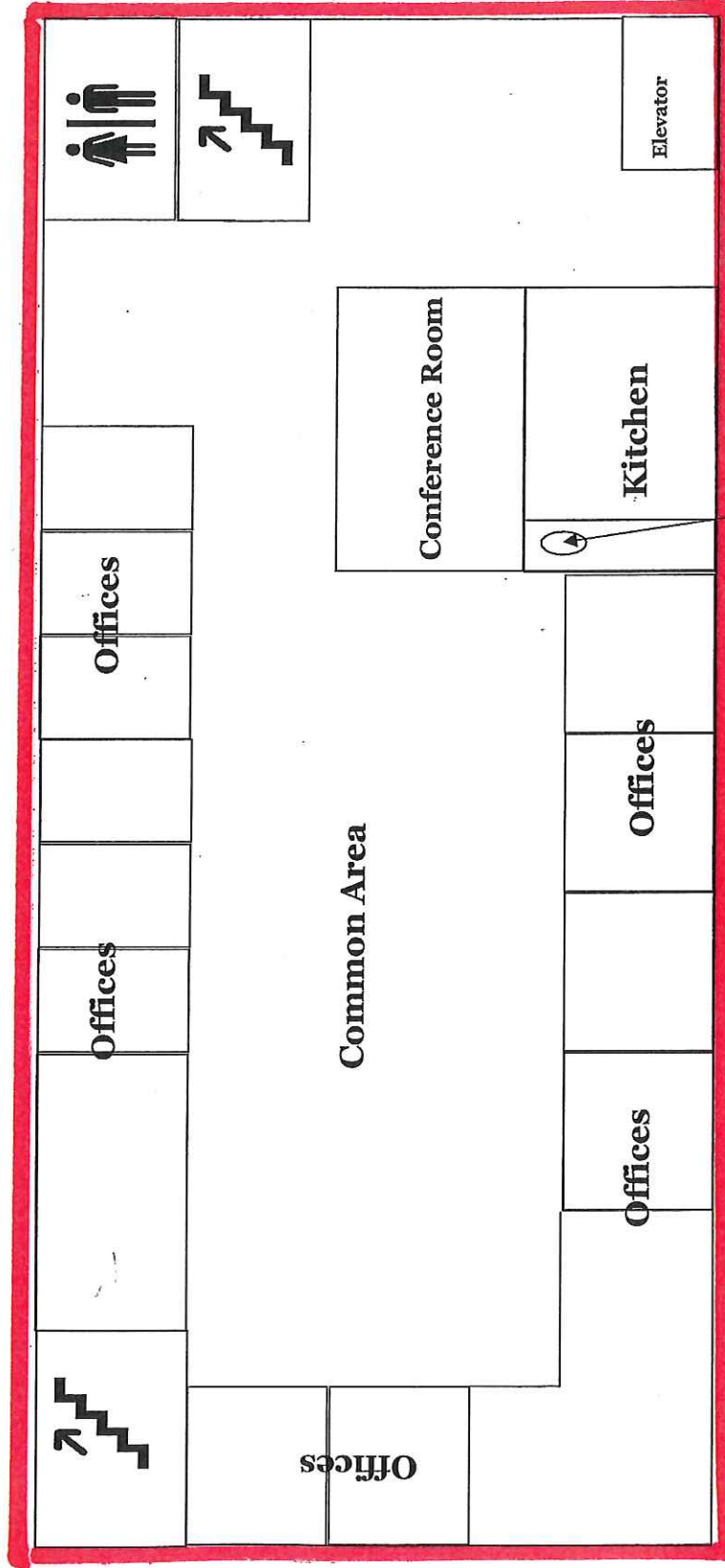
0' - 4 3/4"



City Plan Commission
05-12-14

Special Use Permit
The Trout Museum of Art - 111 W. College Avenue
Third Floor

Square footage approximately 4,100

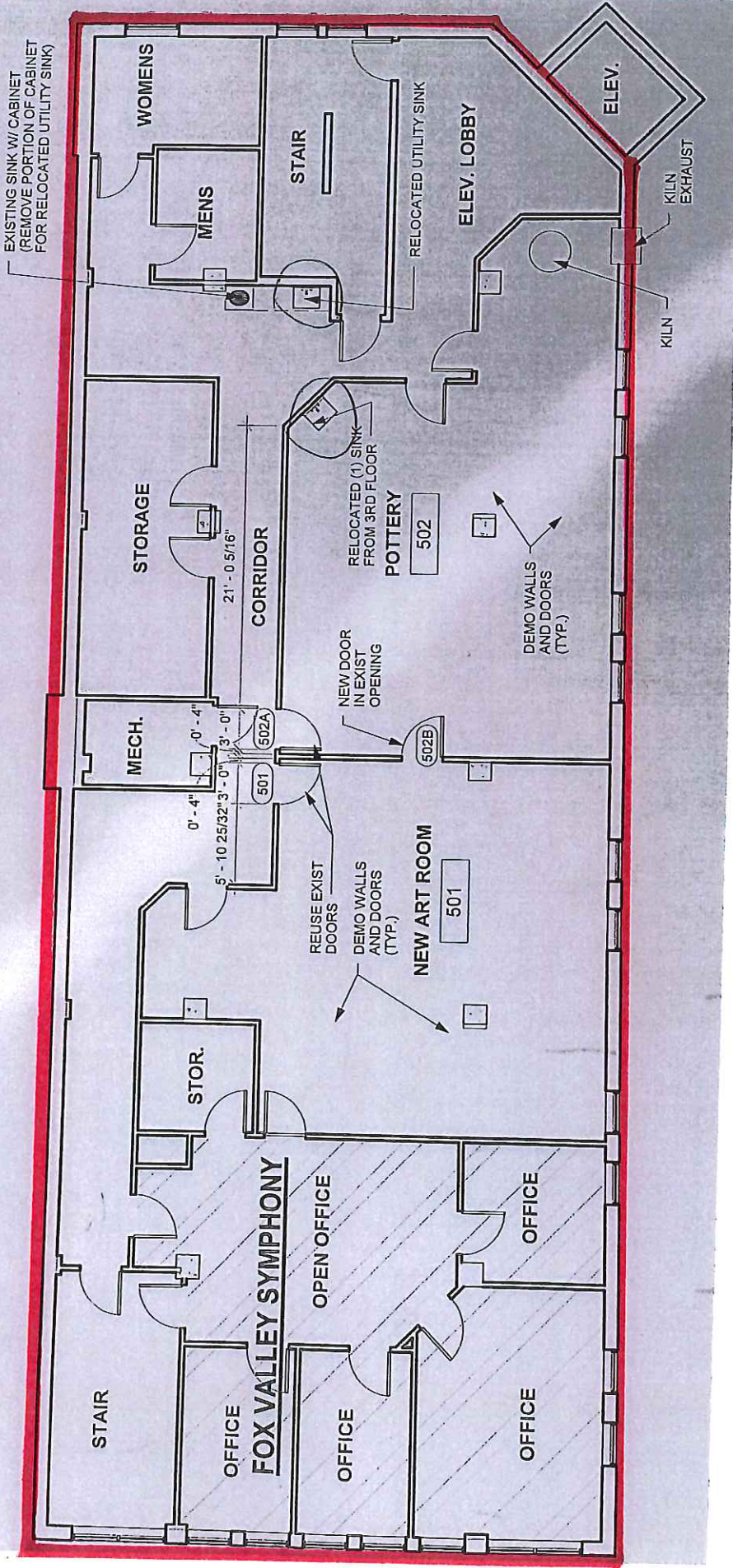


Special Use Permit
The Trout Museum of Art - 111 W. College Avenue
Fourth Floor



Square footage approximately 4,100

NOTE:
-VERIFY EXISTING WALL LOCATIONS



Special Use Permit
The Trout Museum of Art - 111 W. College Avenue
Fifth Floor

