



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** August 22, 2016

**Common Council Meeting Date:** September 7, 2016

**Item:** Special Use Permit #4-16 for a brewpub and restaurant with outdoor seating with alcohol sales and service

**Case Manager:** Don Harp

### GENERAL INFORMATION

**Owner/Applicant:** Bernard and Dorri Schmidt (owners/applicants)

**Address/Parcel #:** 1216 East Wisconsin Avenue / 31-1-2791-00

**Petitioner's Request:** The applicant is requesting a Special Use to permit the sale and service of alcohol for on-site consumption in conjunction with a brewpub and restaurant with outdoor seating.

### BACKGROUND

Building permit B16-0503 was issued on July 11, 2016 for interior alternations to this building.

On December 2, 2015, the Safety and Licensing Committee held taking action on the "Class B" Beer/Liquor license for the subject site (4,200 square foot bar/restaurant including a 300 square foot patio on the west side of the building).

### STAFF ANALYSIS

**Previous Occupant:** The existing building was previously occupied by the Moose Lodge 367 which was issued a "Class B" Beer/Liquor License for on-site consumption of alcohol.

**Existing Site Conditions:** The property is developed with an existing building and off-street surface parking. This request will not increase building footprint or tenant capacity and, therefore, does not require additional off-street parking spaces because the intensity of the use remains the same.

**Operational Information:** See attached Plan of Operation and Locational Information.

**Proposed Outdoor Seating Area:** The proposed outdoor seating area with alcohol sales and service is located on the west side of the building. Access to the outdoor seating area will be from inside the building only. The outdoor seating area is enclosed with a six (6) feet high decorative fence.

**Off-Street Parking Requirements:** The off-street parking requirements for a bar/restaurant is one (1) parking space for each three (3) persons allowed based on maximum capacity. Based upon the development plan, the building will be posted for a maximum of 90 occupants. The development plan shows 32 off-street parking spaces; therefore, the minimum off-street parking requirements are met.

**Ordinance Requirements:** In order to permit the sale of alcohol for on-site consumption in conjunction with a brewpub and restaurant with outdoor seating, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A 2/3 vote of the Common Council is required for approval.

**Surrounding Zoning and Land Uses:**

North: R-1B Single-Family District – Residential uses  
South: C-2 General Commercial District – Commercial uses  
West: M-2 General Industrial District – Industrial use  
East: C-2 General Commercial District – Commercial uses

**2010-2030 Comprehensive Plan:** The 2010-2030 Future Land Use Map currently represents the subject site as commercial. The subject parcel is currently zoned C-2 General Commercial District. The proposed use is consistent with the purpose of the C-2 General Commercial District and goals and objectives of the City's Comprehensive Plan:

**Sec. 23-113. C-2 General Commercial District.**

- **Purpose.** This district is intended to provide for businesses which serve city and regional markets, provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public.

**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.
- **Goal 8 – Economic Development** (Chapter 9)  
Appleton will pursue economic development that brings good jobs to the area and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

**Economic Development Element**

- 9.1 OBJECTIVE: Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.
- 9.1.2 Work with the existing business community to help identify and tap opportunities for expansion.

**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 proposed use appears to be consistent with the above-mentioned findings of fact and goals and objectives and is located along a major corridor of the City that contains existing industrial, retail, personal and professional services. This proposed use serves to expand the range of goods and services provided in the area and facilitates viability of the commercial corridor.

**Technical Review Group Report (TRG):** This item was discussed at the August 2, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

### **RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #4-16 for a brewpub and restaurant with outdoor seating with alcohol sales and service, **BE APPROVED**, as shown on the attached maps and per attached plan of operation, to run with the land, subject to the following conditions:

1. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.
2. Compliance with the Operational Plan is required at all times. Changes to the Operational Plan shall be submitted to the Community and Economic Development Department for review and approval.
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. All applicable Codes, Ordinances and regulations, including but not limited to, Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.

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

**Business Information:**

Name of business: Dairyland Brew Pub

Years in operation: 0

Percentage of business derived from restaurant service: 45 %

Type of proposed establishment (detailed explanation of business):

Brew Pub with 24 craft beers draft,  
serving food to our patrons.

**Proposed Hours of Operation for Indoor Uses:**

Day	From	To
Week Day	11 AM	2:00 AM
Friday	11 AM	2:30 AM
Saturday	11 AM	2:30 AM
Sunday	11 AM	2:00 AM

**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: \_\_\_\_\_ persons

Gross floor area of the existing building(s): 4200 sq building

Gross floor area of the proposed building(s): 4200 sq building

**Describe Any Potential Noise Emanating From the Proposed Use:**

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

Acoustic tiles and carpet to reduce noise  
from music entertainment.

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

Staff + security cameras will monitor this.

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

Staff & security cameras

**Outdoor Uses:**

Location, type, size and design of outdoor facilities:

~~12 x 30~~ 12 x 30 patio

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

6 ft high fence

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

Are there plans for outdoor music/entertainment? Yes  No  future event

If yes, describe how the noise will be controlled:

Staff & security managed.

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

eking dinners outside

**Proposed Hours of Operation for Outdoor Uses:**

Day	From	To
Week Day	11 AM	2:00 AM
Friday	11 AM	2:30 AM
Saturday	11 AM	2:30 AM
Sunday	11 AM	2:00 AM

**Outdoor Lighting:**

Type: Wall mounted lights on Outside building

Location: outside a fix all parking lights.

**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:

Scuba's Pool House  
\_\_\_\_\_  
\_\_\_\_\_

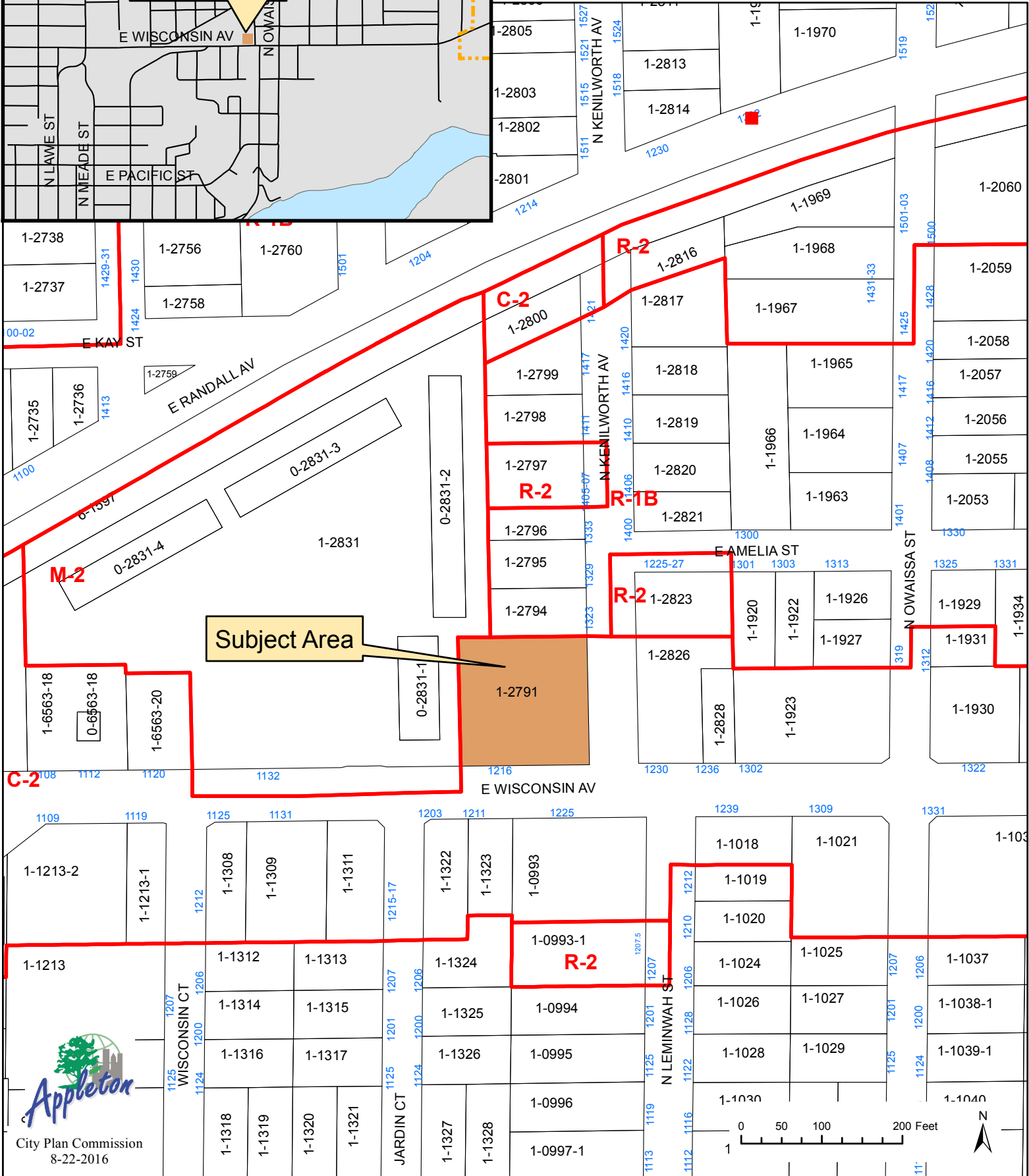
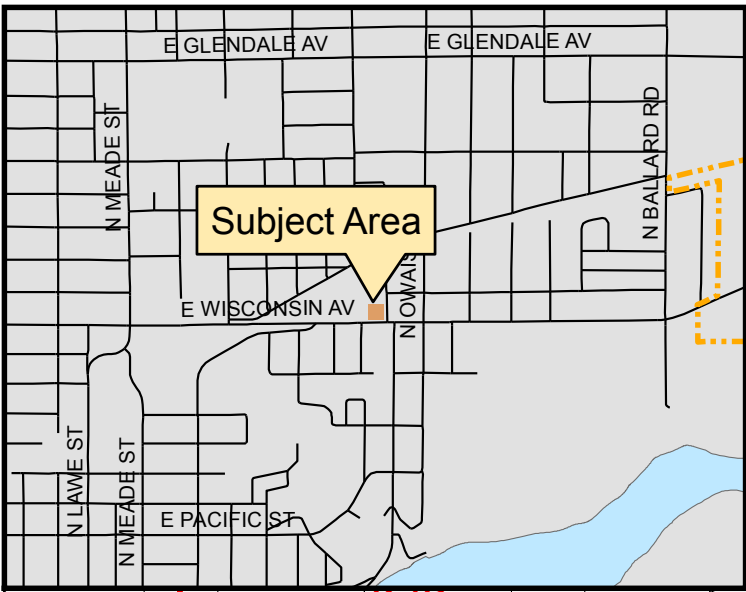
**Number of Employees:**

Number of existing employees: 3

Number of proposed employees: 10-15

Number of employees scheduled to work on the largest shift: 6-7

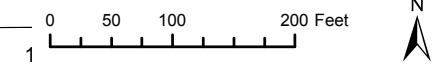
1216 E. Wisconsin Ave - Special Use Permit  
 Brewpub/Restaurant and outdoor patio  
 with Alcohol Sales  
 Zoning/Vicinity Map

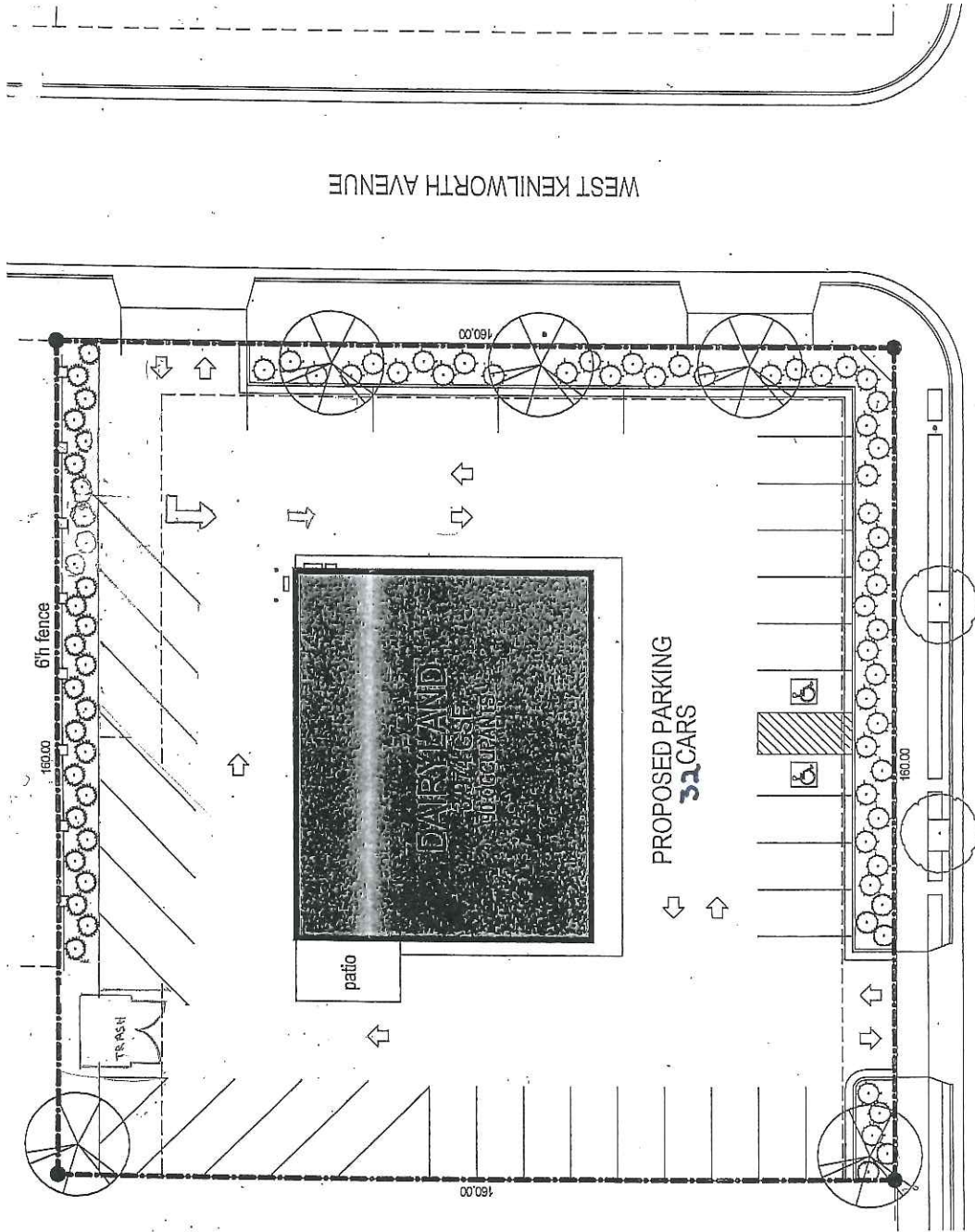


Subject Area



City Plan Commission  
 8-22-2016



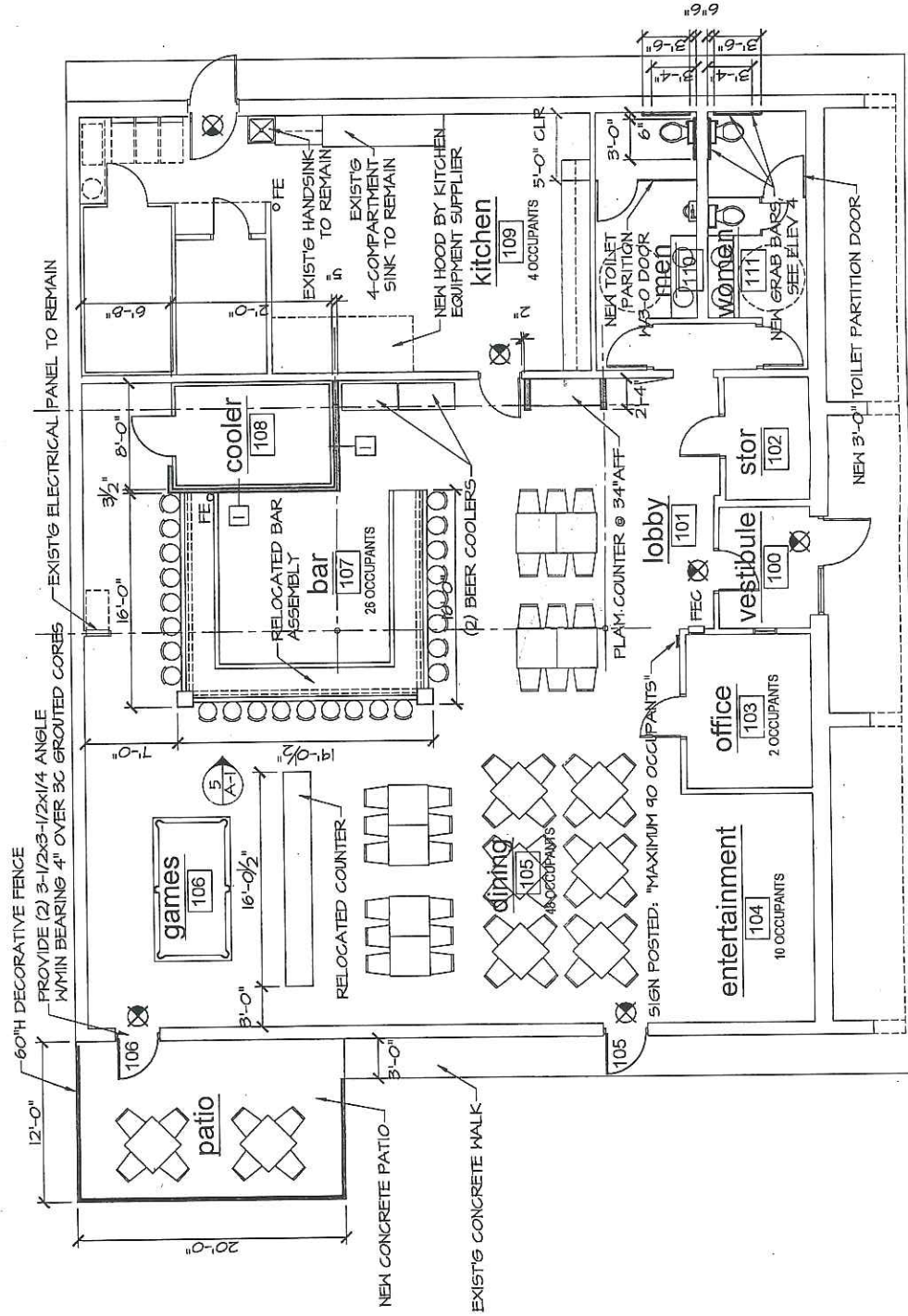


EAST WISCONSIN AVENUE

1 SITE PLAN  
A-1  
SCALE: 1" = 20'-0"

Special Use Permit for a Brewpub/Restaurant  
with Alcohol Sales  
1216 E Wisconsin Ave





**3 A-1** NORTH  
**MAIN FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"

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 with Alcohol Sales  
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