



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: October 24, 2017

Common Council Meeting Date: November 1, 2017

Item: Special Use Permit #11-17 for a wine bar including a sidewalk café with alcohol sales and service

Case Manager: Don Harp

GENERAL INFORMATION

Owner: 222 Building, LLC c/o John Pfefferle

Applicant: Mondo Wine Bar & Retail c/o David Oliver

Address/Parcel #: 220 West College Avenue (Tax Id #31-2-0257-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for alcohol sales and service in conjunction with a wine bar and a sidewalk café.

BACKGROUND

On October 4, 2017, the Common Council approved the Reserve Beer/Liquor License application for Mondo Wine Bar and Retail, contingent upon approval from all departments.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a wine bar with alcohol sales and service on the subject site. Mondo Wine Bar and Retail will occupy approximately 2,076 square feet of tenant space located on the first floor of the 222 Building. The applicant also proposes a sidewalk café, with alcohol sales and service, in the College Avenue amenity strip located directly in front of their tenant space.

Existing Site Conditions: The existing commercial building totals approximately 242,902 square feet. No off-street parking is provided on the subject site, which is allowable in the CBD Central Business District.

Zoning Ordinance Requirements: The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, wine bars and sidewalk cafés with alcohol sales and service require a Special Use Permit in the CBD District. In order to permit alcohol sales and service in conjunction with the proposed wine bar and sidewalk café, 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.

Operational Information: A plan of operation is attached to the Staff Report.

Proposed Outdoor Seating Area: The proposed sidewalk café area is shown on the development plan and described in the plan of operation. The actual location, size, and hours of operation for the sidewalk café shall follow the regulations identified in Chapter 9, Article VI, Division 4, Sidewalk Cafes, of the Municipal Code. Staff provided the applicable sidewalk café provisions to the applicant. Prior to establishing the sidewalk café, the applicant must also obtain a Street Occupancy Permit from the Department of Public Works.

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 commercial in nature.

North: CBD Central Business District. The adjacent land uses to the north are currently a mix of commercial uses.

South: CBD Central Business District. The adjacent land uses to the south are currently a mix of commercial uses.

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of commercial uses.

West: CBD Central Business District. The adjacent land uses to the west are currently a mix of commercial uses.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Central Business District 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 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

OBJECTIVE 9.5 Economic Development:

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

Finding of Fact: Prior to the granting of any Special Use Permit, the City Plan Commission may recommend and the Common Council 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 Section 23-66 (e) (1-6). This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66 (e) (1-6), which were found in the affirmative.

The applicant's proposed plan of operation does not appear to be incompatible with the neighborhood character, purpose and intent of the Zoning Ordinance and Central Business District or the *Comprehensive Plan 2010-2030*. 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) Report: This item was discussed at the October 3, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

Written Public Comments: No questions, concerns, or comments have been received from the surrounding neighborhood.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #11-17 for a wine bar located at 220 West College Avenue, including a sidewalk café directly in front of the establishment within the College Avenue amenity strip with alcohol sales and service, as shown on the attached maps and per attached plan of operation along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
2. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premise.
3. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
4. Prior to establishing the sidewalk café, the applicant must apply for and receive approval of a Permanent Street Occupancy Permit from the Common Council. All aspects of the sidewalk café, including its location, size, and hours of operation for serving alcoholic beverages, shall comply with the regulations identified in Chapter 9, Article VI, Division 4, Sidewalk Cafes, of the Municipal Code.

Special Use Permit #11-17

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5. 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.
6. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

RESOLUTION

**CITY OF APPLETON
RESOLUTION APPROVING SPECIAL USE PERMIT #11-17**

WHEREAS, David Oliver has applied for a Special Use Permit for a wine bar located at 220 West College Avenue, including a sidewalk café directly in front of the establishment within the College Avenue amenity strip with alcohol sales and service and also identified as Parcel Number 31-2-0257-00; and

WHEREAS, the location for the proposed wine bar and sidewalk café with alcohol sales and service is located in the CBD Central Business District and the proposed use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on October 24, 2017, on Special Use Permit #11-17 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has considered the application, the staff reports, oral and written, the Comprehensive Plan and zoning on the subject property, the testimony, written comments, and other materials 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)(1-6) and 23-66(h)(6) of the Municipal Code, and forwarded Special Use Permit #11-17 to the City of Appleton Common Council with a _____ favorable _____ 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 _____, 2017 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #11-17 for a wine bar located at 220 West College Avenue, including a sidewalk café directly in front of the establishment within the College Avenue amenity strip with alcohol sales and service also identified as Parcel Number 31-2-0257-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #11-17

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
2. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premise.
3. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

4. Prior to establishing the sidewalk cafe, the applicant must apply for and receive approval of a Permanent Street Occupancy Permit from the Common Council. All aspects of the sidewalk cafe, including its location, size, and hours of operation for serving alcoholic beverages, shall comply with the regulations identified in Chapter 9, Article VI, Division 4, Sidewalk Cafes, of the Municipal Code.
5. 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.
6. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

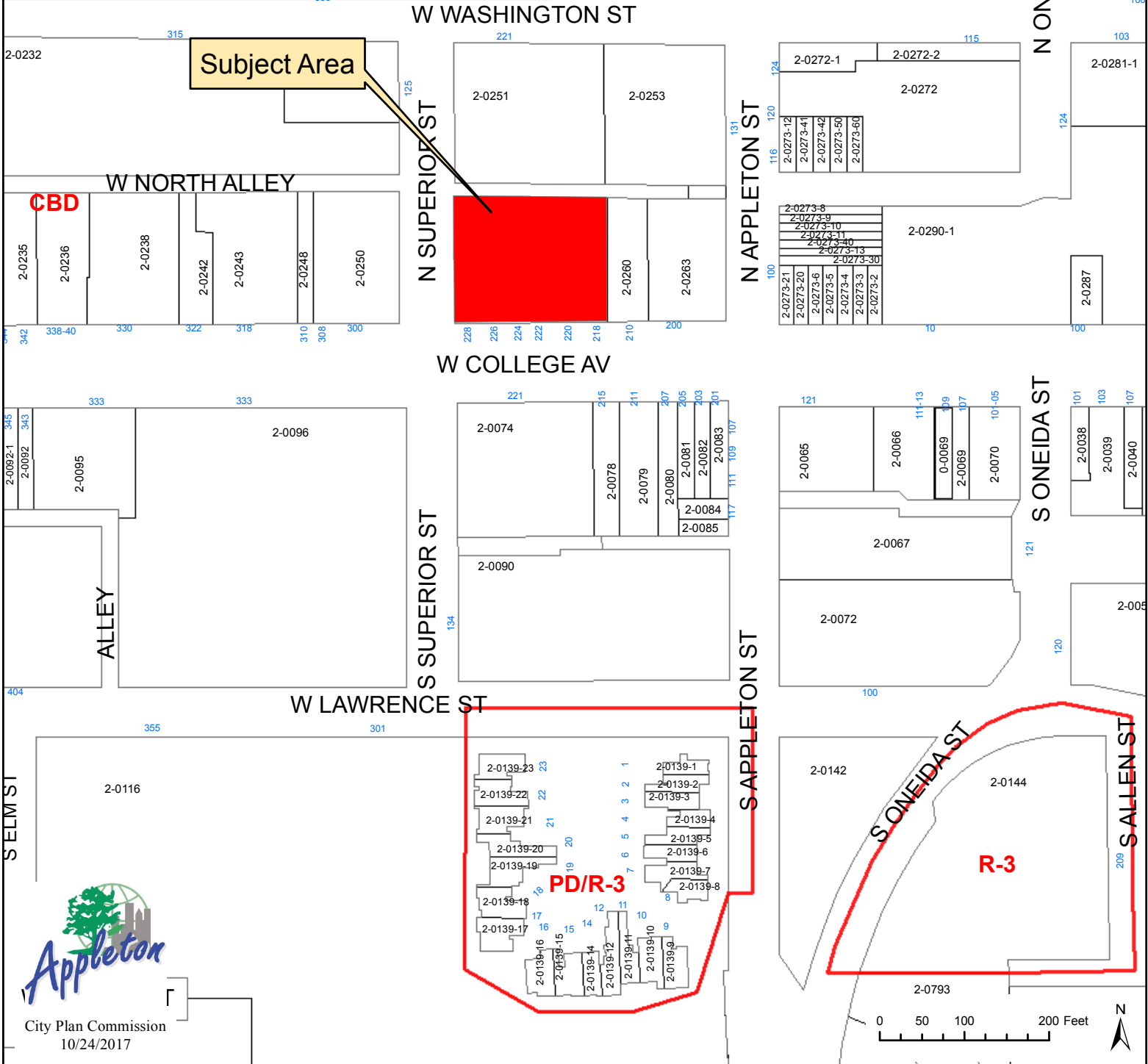
Adopted this _____ day of _____, 2017.

Timothy M. Hanna, Mayor

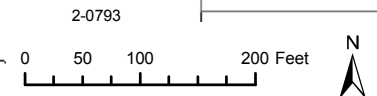
ATTEST:

Kami Lynch, City Clerk

220 W. College Ave
 Special Use Permit
 Wine Bar & Retail Shop/
 Sidewalk Cafe with Alcohol Sales & Service
 Zoning Map

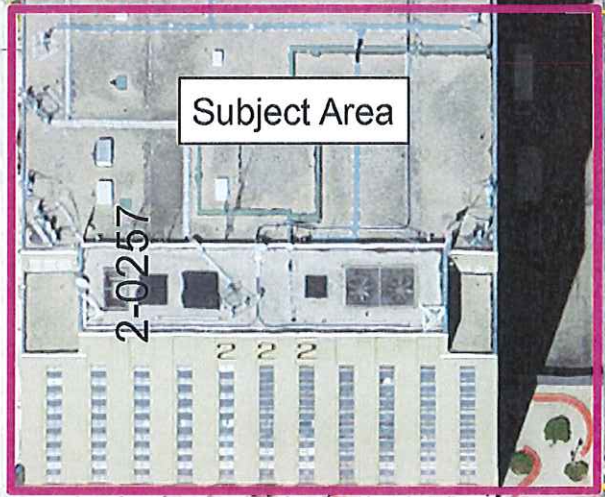


City Plan Commission
 10/24/2017



220 W. College Ave
Special Use Permit
Wine Bar & Retail Shop/
Sidewalk Cafe with Alcohol Sales & Service
Zoning Map

2-0251



Subject Area

2-0257

2-0260

2-0263

Sidewalk Cafe Area
8' x 18'

2-0074

2-0078

2-0079

2-0080

2-0081

2-0082

2-0083

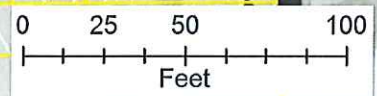
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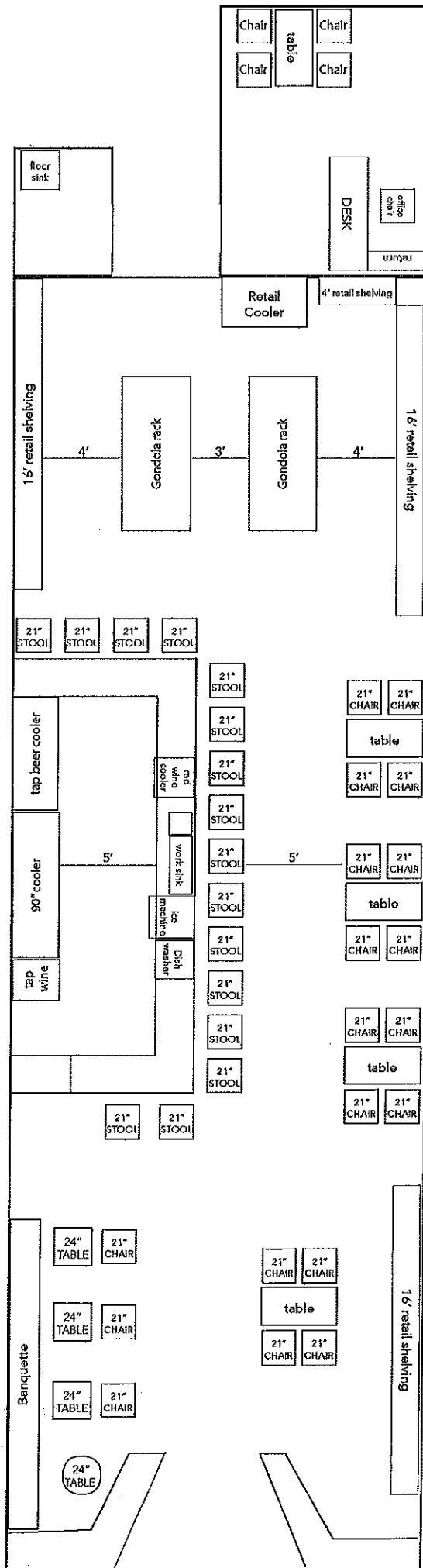
City Plan Commission
10/24/2017





.125" = 1'

Prepared September 21, 2017



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

Business Information:

Name of business: Mondo Wine Bar & Retail

Years in operation: Zero

Percentage of business derived from restaurant service: 0 %

Type of proposed establishment (detailed explanation of business):

Mondo will be a combination of wine bar and retail wine shop. The expected breakdown will be approximately 70% wine bar, 30% retail wine, though there will be a constant push to expand retail to get to a mix closer to 60/40.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	3:00pm	10:00pm
Friday	3:00pm	10:00pm
Saturday	12:00pm	10:00pm
Sunday	closed	

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): 2,076 square feet

Gross floor area of the proposed building(s): _____

Describe Any Potential Noise Emanating From the Proposed Use:

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

None expected.

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

Inside the building there will be acoustic panels to absorb sound.

There are no anticipated issues with crowd noise outside the building.

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

Outdoor Uses:

Location, type, size and design of outdoor facilities:

4 tables accommodating 4 people each in the approved sidewalk area.

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

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	4:00pm	9:30pm
Friday	4:00pm	9:30pm
Saturday	12:00pm	9:30pm
Sunday	closed	

Outdoor Lighting:

Type: None

Location: _____

Off-Street Parking:

Number of spaces existing: N.A.

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:

Bad Badger Sports Bar, Gibson Music Hall, Home Burger Bar,

Cleo's Brown Beam Tavern

Number of Employees:

Number of existing employees: 0

Number of proposed employees: 5

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