



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** October 8, 2019

**Common Council Meeting Date:** October 16, 2019

**Item:** Special Use Permit #10-19 for an event center with alcohol sales and service

**Case Manager:** Jessica Titel

### GENERAL INFORMATION

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**Owner:** Cindy Sahotsky – Riverview Gardens

**Applicant:** Teresa Lingg

**Address/Parcel #:** 513 W. College Avenue (Tax Id #31-3-1005-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for alcohol sales and service in conjunction with an event center.

### BACKGROUND

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The subject area includes a 4-story building that was built in 1922. The building has been occupied by a number of retail, commercial, and office uses over the years. Most recently, the building has been occupied by Riverview Gardens and used as retail and office space.

The Common Council approved a Special Use Permit on April 4, 2007 for a banquet facility with alcohol sales. That use was never established in this building.

The applicant has yet to apply for a Liquor License but intends to do so after action is taken on this Special Use Permit request.

### STAFF ANALYSIS

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**Project Summary:** The applicant proposes to establish an event center with alcohol sales and service on the subject site, which would occur on the first and second floors of the existing building. The first floor has approximately 4,592 square feet of assembly space, and the second floor has approximately 3,485 square feet of assembly area. The submitted plans indicate the total occupancy for the first and second floors is 553 occupants.

**Existing Site Conditions:** The existing 4-story commercial building totals approximately 24,700 square feet. The lot is 7,115 square feet in area. Twenty-eight off-site parking spaces are provided on a separate parcel on the south side of the alley (516 W. Lawrence Street) that is under the same ownership. No on-site or off-site parking spaces are required to be provided in the 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, an event center with alcohol sales and

**Special Use Permit #10-19**

**October 8, 2019**

**Page 2**

service requires a Special Use Permit in the CBD District. In order to permit alcohol sales and service in conjunction with the proposed event center, 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.

**Outdoor Seating Area:** No outdoor alcohol sales and service is requested with this application for a Special Use Permit.

**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 generally commercial in nature.

North: CBD Central Business District. The adjacent land use to the north is currently used for commercial purposes.

South: CBD Central Business District. The adjacent land use to the south is currently used for parking and commercial purposes.

East: CBD Central Business District. The adjacent land use to the east is currently used for commercial purposes.

West: CBD Central Business District. The adjacent land uses to the west are currently used for commercial purposes.

**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 10.5 Land Use:**

*Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.*

**Special Use Permit #10-19**

**October 8, 2019**

**Page 3**

*Chapter 14 – Downtown Plan*

*Initiative 2.3: Create new venues for arts and entertainment activities in the downtown.*

**Finding of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) and 23-66(h)(6) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

**Technical Review Group (TRG) Report:** This item was discussed at the September 17, 2019 Technical Review Group meeting. The following comment was provided by the Fire Department: The recently installed fire sprinkler system will need to be activated before capacity can exceed 99 persons.

**RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #10-19 for an event center with alcohol sales and service at 513 W. College Avenue (Tax Id #31-3-1005-00), 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 apply for and receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premises.
3. The serving and consumption of alcohol is limited to the first and second floors, as identified on the attached development plan drawings. Any future expansions for the serving and/or consumption of alcohol, beyond the current limits of this area, may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
4. 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.
5. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
6. The recently installed fire sprinkler system will need to be activated before capacity can exceed 99 persons.

**RESOLUTION**  
**CITY OF APPLETON**  
**RESOLUTION APPROVING SPECIAL USE PERMIT #10-19**

**WHEREAS**, Teresa Lingg, The 513, has applied for a Special Use Permit for an event center with alcohol sales and consumption located at 513 West College Avenue, also identified as Parcel Number(s) 31-3-1005-00; and

**WHEREAS**, the location for the proposed event center with alcohol sales and consumption 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 8, 2019, on Special Use Permit #10-19 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 #10-19 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 \_\_\_\_\_, 2019 and found it to be acceptable.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Appleton Common Council approves Special Use Permit #10-19 for an event center with alcohol sales and consumption located at 513 West College Avenue, also identified as Parcel Number(s) 31-3-1005-00 and orders as follows:

**CONDITIONS OF SPECIAL USE PERMIT #10-19**

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 apply for and receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premises.
3. The serving and consumption of alcohol is limited to the first and second floors, as identified on the attached development plan drawings. Any future expansions for the

serving and/or consumption of alcohol, beyond the current limits of this area, may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

4. 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.
5. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
6. The recently installed fire sprinkler system will need to be activated before capacity can exceed 99 persons.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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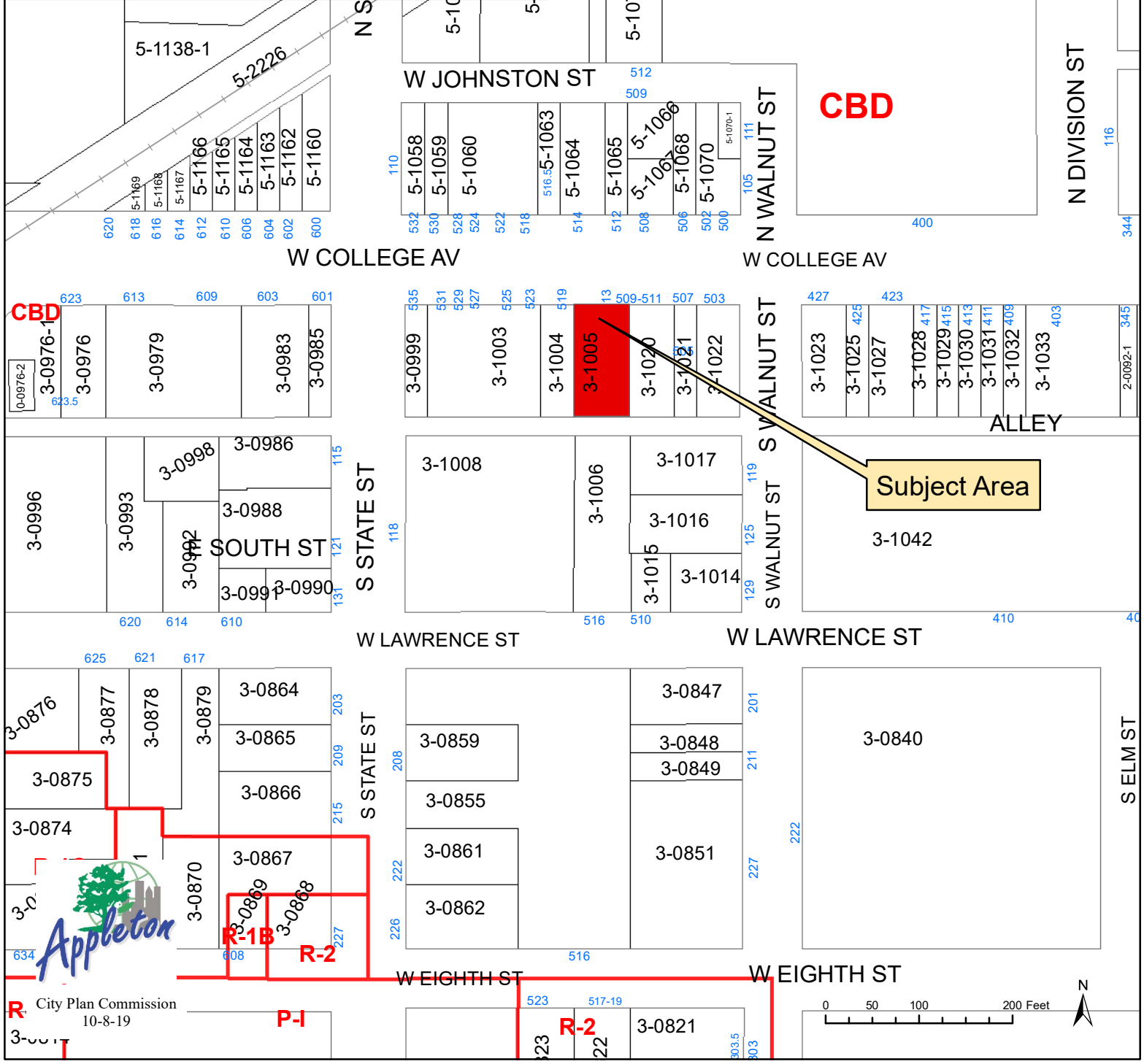
Timothy M. Hanna, Mayor

ATTEST:

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Kami Lynch, City Clerk

513 W College Ave  
 Special Use Permit  
 Event Center with Alcohol Sales  
 Zoning Map

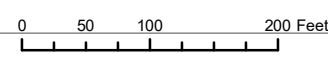


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 10-8-19

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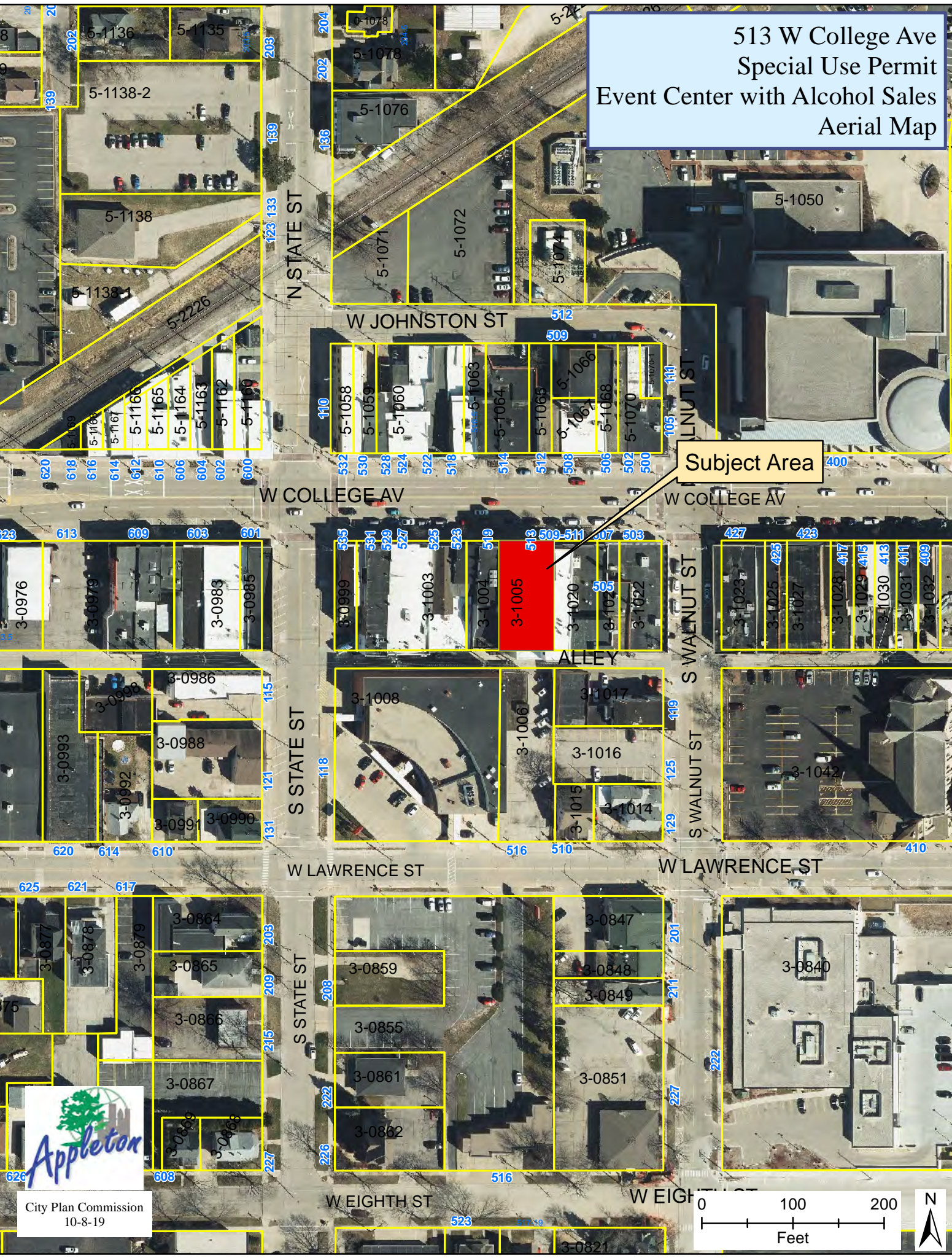
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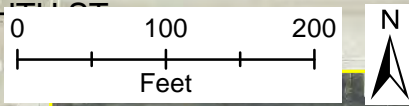
513 W College Ave  
Special Use Permit  
Event Center with Alcohol Sales  
Aerial Map



Subject Area



City Plan Commission  
10-8-19





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

**Business Information:**

Name of business: The 513

Years in operation: —

Percentage of business derived from restaurant service: — %

Type of proposed establishment (detailed explanation of business):

Event space will be leased out for  
weddings, corporate events, fundraisers,  
and concerts. Majority of the revenue will come  
from the rental fees

Proposed Hours of Operation for Indoor Uses: each week will vary based on  
events and  
hours will  
be as needed  
based on  
events.

Day	From	To
Week Day	6:00 pm	12:00 am
Friday	12:00 pm	12:00 am
Saturday	12:00 pm	12:00 am
Sunday	12:00 pm	10:00 pm

**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): 6,889 sf

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:

Noise may be produced by music or  
bands performing within the building.



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

All areas will be closely monitored by the event coordinator and staff to ensure noise levels do not exceed acceptable levels.

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

No events are expected to be held in the building's private parking lot, however, the parking lot will also be overseen by the coordinator. If individuals do create a disturbance during their walk to the building, a staff member will see to it that the disturbance is stopped immediately.

Location, type, size and design of outdoor facilities:

N/A

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

N/A

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:

N/A

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	—	—
Friday	—	—
Saturday	—	—
Sunday	—	—

**Outdoor Lighting:**

Type: None

Location: —

**Off-Street Parking:**

Number of spaces existing: 28

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:

Fresh Victoria's, Deja Vu

\_\_\_\_\_

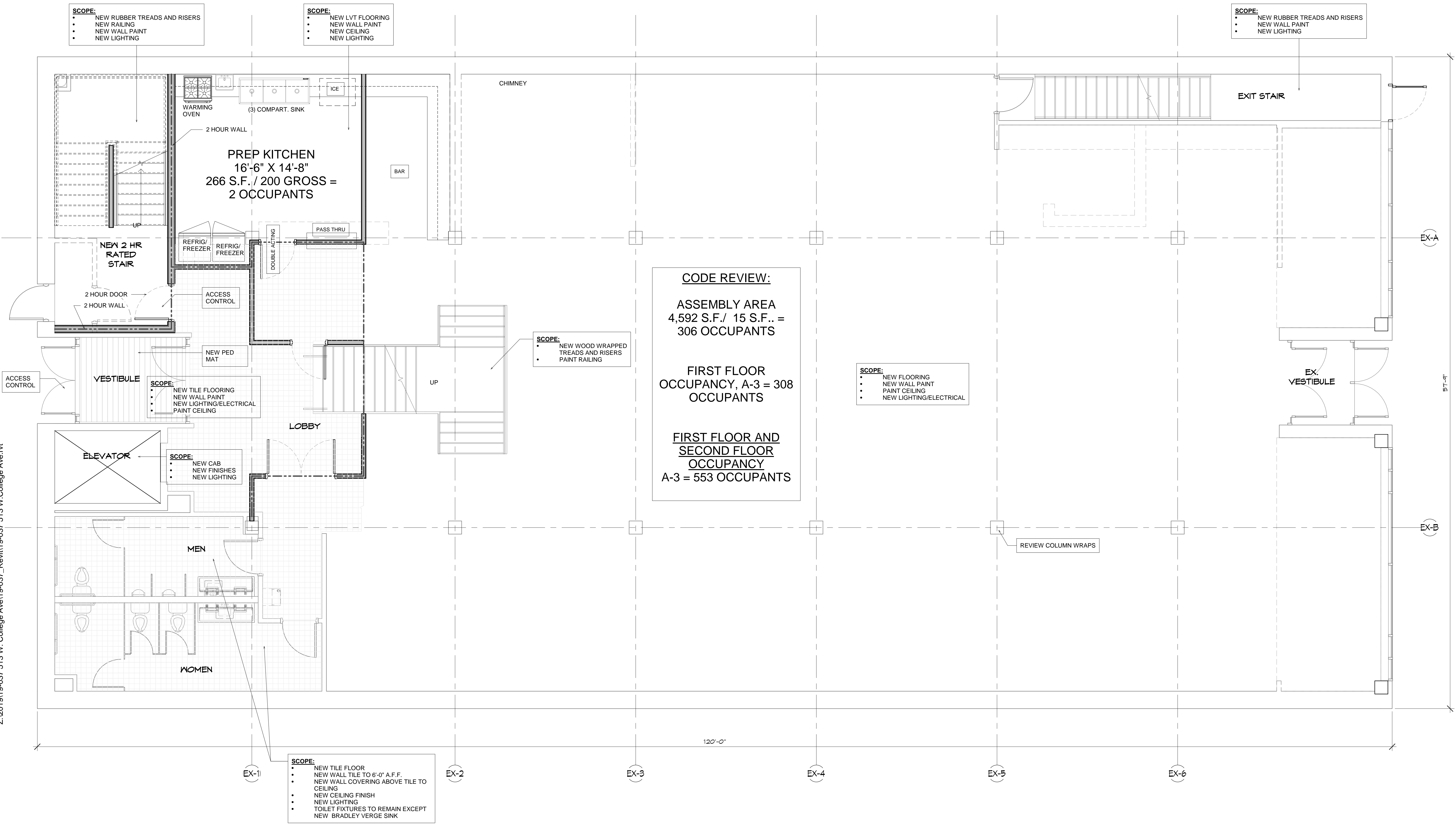
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**Number of Employees:**

Number of existing employees: 3

Number of proposed employees: 7

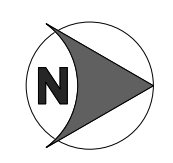
Number of employees scheduled to work on the largest shift: 4



A RENOVATION FOR:  
513 W. COLLEGE AVE.  
APPLETON, WISCONSIN

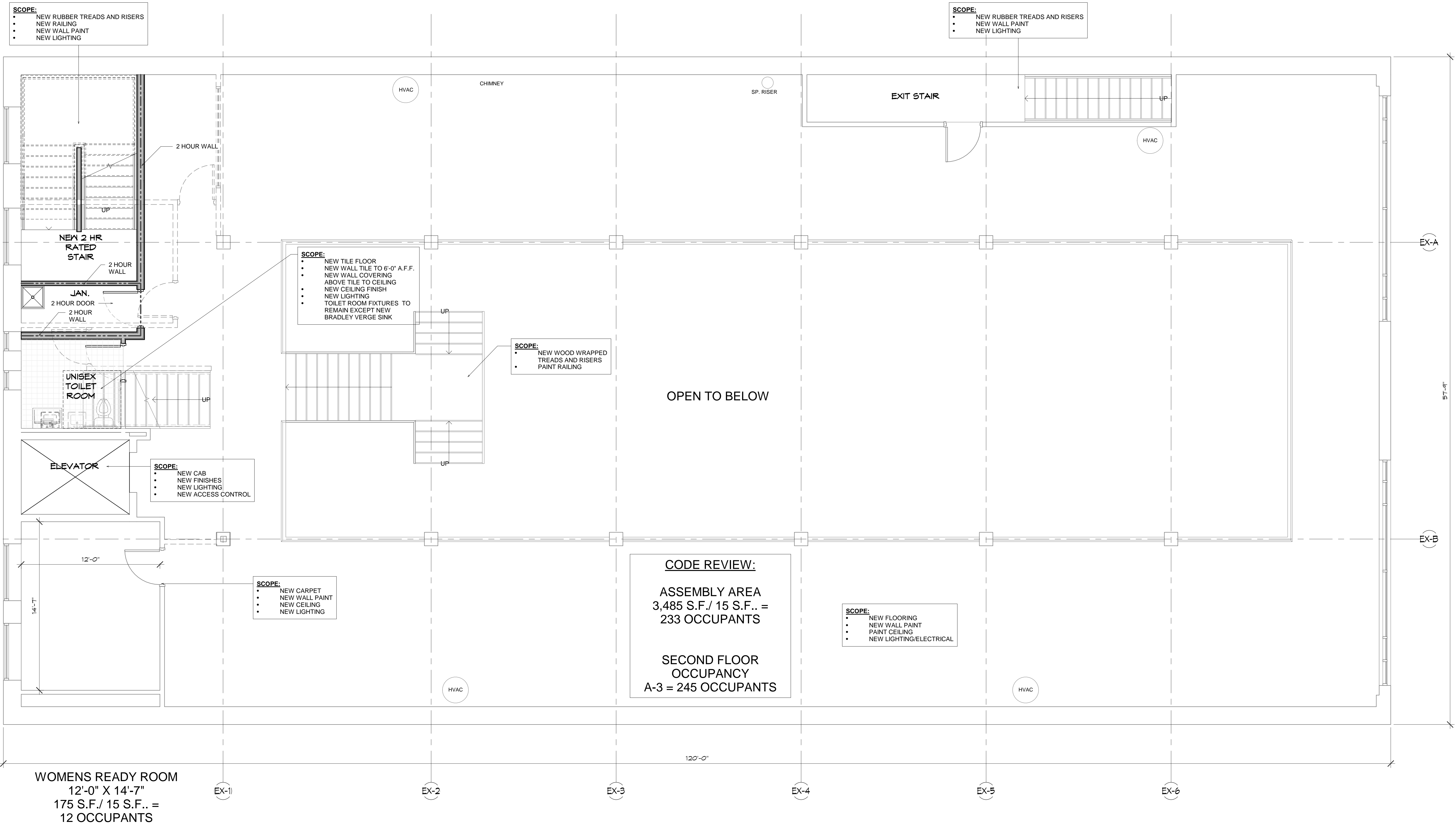
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job: 19-037  
d. by: LAK  
rev.:

1 FIRST FLOOR PLAN  
A-1.1 1/4" = 1'-0"

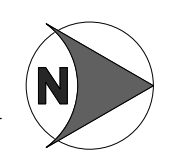


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1 SECOND FLOOR PLAN  
A-1.2 1/4" = 1'-0"



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A RENOVATION FOR:  
513 W. COLLEGE AVE.  
APPLETON, WISCONSIN

date: 09/12/19  
job: 19-037  
d. by: LAK  
rev.:

A-1.2