



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: July 20, 2015

Common Council Meeting Date: No formal action required

Item: Minor Amendment to Special Use Permit #2-15 for a restaurant and outdoor patio with alcohol sales and consumption

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Mark Geall, property owner; Craig and Tammy Verhagen, applicants

Address/Parcel #: 201 South Riverheath Way, Suite 1100 / #31-4-0828-05

Petitioner's Request: The applicant is requesting a Minor Amendment to Special Use Permit #2-15 to expand the existing outdoor patio area with alcohol sales, service and consumption by 20'x 20'.

BACKGROUND

Special Use Permit #2-15 was approved for the restaurant and an outdoor patio area with alcohol sales and consumption at this location by the Plan Commission on February 9, 2015, and approved by the Common Council on February 18, 2015 subject to the following:

1. Any deviations from the approved Development Plan or Operational Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.
 - *On-going condition.*
2. An emergency exit only gate with push/panic hardware shall be installed as part of the proposed fence enclosure adjacent to the outdoor patio area and be inspected by the Appleton Fire Department prior to the issuance of the liquor license for the outdoor patio area.
 - *Condition satisfied.*
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - *On-going condition.*
4. All applicable Codes, Ordinances, and regulations, including but not limited to, Fire and Building Codes and the Health and Noise Ordinances, shall be complied with.
 - *On-going condition.*

STAFF ANALYSIS

Existing Site Conditions: The property is developed with an existing restaurant/outdoor patio area that currently holds a “Class B” Beer/Liquor License which allows alcoholic beverages to be sold and consumed on the premises.

Operational Information for the Restaurant/Outdoor Seating Area: An operational plan is attached to the staff report. The use of the property is shown on the Development Plan.

- The new patio area will be surrounded by a 3 foot high moveable fence.

Surrounding Zoning and Land Uses:

North: PD/C-2 – Planned Development/General Commercial District
South: PD/C-2 – Planned Development/General Commercial District
East: PD/C-2 – Planned Development/General Commercial District
West: PD/C-2 – Planned Development/General Commercial District
M-2 – General Industrial District - Fox River

2010-2030 Comprehensive Plan: The 2010-2030 Future Land Use Map currently represents this area to be used for mixed uses. The proposed zoning classification is consistent with the City’s Comprehensive Plan and is consistent with the purpose and intent of the PD/C-2 Planned Development/General Commercial District.

Overall Community Goals

- **9.3. Objective:** Ensure the continued vitality of downtown and the City’s neighborhood commercial districts. (Chapter 9 – Economic Development)
- **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.

Ordinance Requirements: This item has been referred to the Plan Commission per Section 23-66(g) of the Zoning Ordinance, which states:

- (1) *Minor change.* Minor changes shall be submitted to and reviewed by the Plan Commission. Minor changes include:
 - a. Expansions of special uses of less than ten (10) percent.

The proposed expansion of the outdoor seating area constitutes less than 10% expansion.

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- b. Other changes which keep with the general intent and character of the Special Use Permit previously issued.

This minor amendment request is consistent with the general intent and character of Special Use Permit #2-15, as the subject site will continue to be used for a restaurant and outdoor seating area with alcohol sales and consumption.

Note: Minor amendments to existing Special Use Permits do not require Common Council action.

Finding of Fact: 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.

RECOMMENDATION

Staff recommends, based on the above, that Minor Amendment to Special Use Permit #2-15, for a restaurant with an outdoor seating area with alcohol sales, service and consumption, as shown on the attached map and per attached plan of operation, **BE APPROVED** to run with the land subject to the following conditions:

1. Any deviations from the approved Development Plan or Operational 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. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code. The applicant shall apply to the City Clerk to amend the current Liquor License to include the expansion area (outdoor seating with alcohol sales) used for the serving and/or consumption of alcohol. Any expansion of the tavern with alcohol sales requires approval of a premise description amendment of the existing liquor license from the Safety and Licensing Committee and Common Council.
3. All applicable Codes, Ordinances, and regulations, including but not limited to, Fire and Building Codes and the Health and Noise Ordinances, shall be complied with.

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

Business Information:

Name of business: Vers Venture LLC dba Mr Brews Taphouse

Years in operation: 1 month _____

Percentage of business derived from restaurant service: 50 %

Type of proposed establishment (detailed explanation of business):

Specialty burger and craft beer restaurant.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	11am	11pm
Friday	11am	1am
Saturday	11am	1am
Sunday	11am	11pm

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: 137 persons

Gross floor area of the existing building(s): 2520 sq ft. main level, 700 sq ft. mezzanine (used for overflow)

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:

Minimal noise from conversations

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

Patio will close at 10pm

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

Customers are asked to leave quietly

Outdoor Uses:

Location, type, size and design of outdoor facilities:

See attached map

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

3' commercial moveable fencing

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:

Background music to outside speakers controlled internally and can be turned off at anytime

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	11am	10pm
Friday	11am	10pm
Saturday	11am	10pm
Sunday	11am	10pm

Outdoor Lighting:

Type: bollards along riverfront, lights at building entrances

Location: bollards located along railing of Borski boardwalk. Lights at door entrances

Off-Street Parking:

Number of spaces existing: 38 (69 total for the building-underground stalls for tenants)

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:

none

Number of Employees:

Number of existing employees: 3 full time/26 part-time

Number of proposed employees: _____

Number of employees scheduled to work on the largest shift: 10

