



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: June 9, 2014

Common Council Meeting Date: No formal action required.

Item: Minor Amendment to Special Use Permit #13-05 for a sidewalk café with alcohol sales, service and consumption within the College Avenue amenity strip.

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Steven Heckenlaible - property owner; Rebecca Hurst - applicant

Address/Parcel #: 205 West College Avenue/31-2-0081-00

Petitioner's Request: The applicant is requesting a Minor Amendment to Special Use Permit #13-05 for a sidewalk café with alcohol sales, service and consumption within the College Avenue amenity strip located directly in front of The Mad Hatter Pub and Grill. The size of the sidewalk café is approximately 114 square feet in area.

BACKGROUND

Special Use Permit #13-05 was approved for a tavern with food and alcohol sales at this location by the Plan Commission on July 11, 2005, and approved by the Common Council on July 20, 2005 subject to the following:

1. The serving and consumption of alcohol is limited to the interior ground floor and the fenced outdoor seating area (south side of building) identified by the submitted floor plan/development plan. Any future expansions into the basement space or second floor, for the serving and/or consumption of alcohol will require a new Special Use Permit application to be applied for and approved.
 - *On-going condition. This condition applied to the previous taverns and restaurants and continues to apply to the operation of this bar and grill.*
2. All City of Appleton and State of Wisconsin Building Codes must be met.
 - *On-going condition. This condition applied to the previous taverns and restaurants and continues to apply to the operation of this bar and grill.*
3. The applicant shall apply for and receive a building permit from the City of Appleton Inspections Division prior to commencing construction of the fence enclosure around the outdoor seating area (south side of building).
 - *This condition applied to the previous tavern. This condition does not apply to the operation of this bar and grill.*

Minor Amendment Special Use Permit #13-05

June 9, 2014

Page 2

4. All City of Appleton Fire Codes must be met, and a fire inspection must be conducted prior to issuance of an occupancy permit for the outdoor seating area.
 - *This condition applied to the previous tavern. This condition does not apply to the operation of this bar and grill.*
5. The use shall conform to the standards established on Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.
 - *On-going condition. This condition applied to the previous taverns and restaurants and continues to apply to the operation of this bar and grill.*
6. All Noise Ordinances shall be adhered to at all times.
 - *On-going Municipal Code requirement not a condition. This regulation applied to the previous taverns and restaurants and continues to apply to the operation of this bar and grill.*
7. 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.
 - *This condition applied to the previous taverns and restaurants. This condition does not apply to the operation of this bar and grill.*

A Street Occupancy Permit for the placement of tables and chairs within the beautification strip was approved by the Municipal Services Committee on May 27, 2014.

STAFF ANALYSIS

Existing Site Conditions: The property is developed with a bar and grill 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: An operational plan is attached to the Staff Report. The proposed sidewalk café area is shown on the Development Plan. The hours of operation for serving alcoholic beverages in the sidewalk café area shall follow the restrictions identified in the Sidewalk Café Ordinance, as identified below:

- The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café area by 9:30 p.m.

Surrounding zoning and land uses:

North: CBD Central Business District – Chase Bank
South: CBD Central Business District – Parking Ramp
West: CBD Central Business District – Be Gallery
East: CBD Central Business District – Cleo's

2010-2030 Comprehensive Plan: The Community Development staff have reviewed the City's 2010-2030 Comprehensive Plan which indicates this area is appropriate for commercial uses as part of the Central Business 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 sidewalk café constitutes an approximate 6 percent expansion. The proposed sidewalk café expansion will be less than ten (10) percent of the currently approved area within the building for alcohol sales and consumption.

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

The use of the premise and beautification will continue to be a bar and grill with alcohol sales. This minor amendment request is consistent with the general intent and character of Special Use Permit #13-05.

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

Minor Amendment Special Use Permit #13-05

June 9, 2014

Page 4

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 #13-05, for a sidewalk café with alcohol sales, service and consumption within the College Avenue amenity strip adjacent to 205 West College Avenue, as shown on the attached map and per attached plan of operation, **BE APPROVED** subject to the following original conditions:

1. The serving and consumption of alcohol is limited to the interior ground floor, sidewalk café area and the fenced outdoor seating area (south side of building) identified by the submitted floor plan/development plan. Any future expansions into the basement space or second floor, for the serving and/or consumption of alcohol will require a new Special Use Permit application to be applied for and approved.
2. All City of Appleton and State of Wisconsin Building Codes must be met.
3. The use shall conform to the standards established on Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.

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

Business information:

Name of Business: What The Heck LLC (dba The mad Hatter)

Years in operation:

Percentage of business derived from restaurant service: 60% food / 40% alcohol

Type of the proposed establishment (detailed explanation of business):

Bar + grill with Alcohol sales

Hours of Operation: Days of Operation:

Noise, crowd, parking lot control methods: wait staff responsible for crowd + noise, up to 3 employees.

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: 65 persons.

Outdoor uses:

Location, type, size and design of outdoor facilities: refer to Attached map for sidewalk cafe details

Type and height of screening: plantings/fencing/gating decorative barrier per sidewalk cafe ordinances

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

Hours of Operation: per current sidewalk cafe ordinances Days of Operation:

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

If yes, describe soundproofing measures: ##

Speaker in soft area - comply with current noise/sound ordinance

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

Outdoor lighting:

Type: Street lighting

Location: front of building - street

Off-street parking:

Number of spaces provided NA.

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.

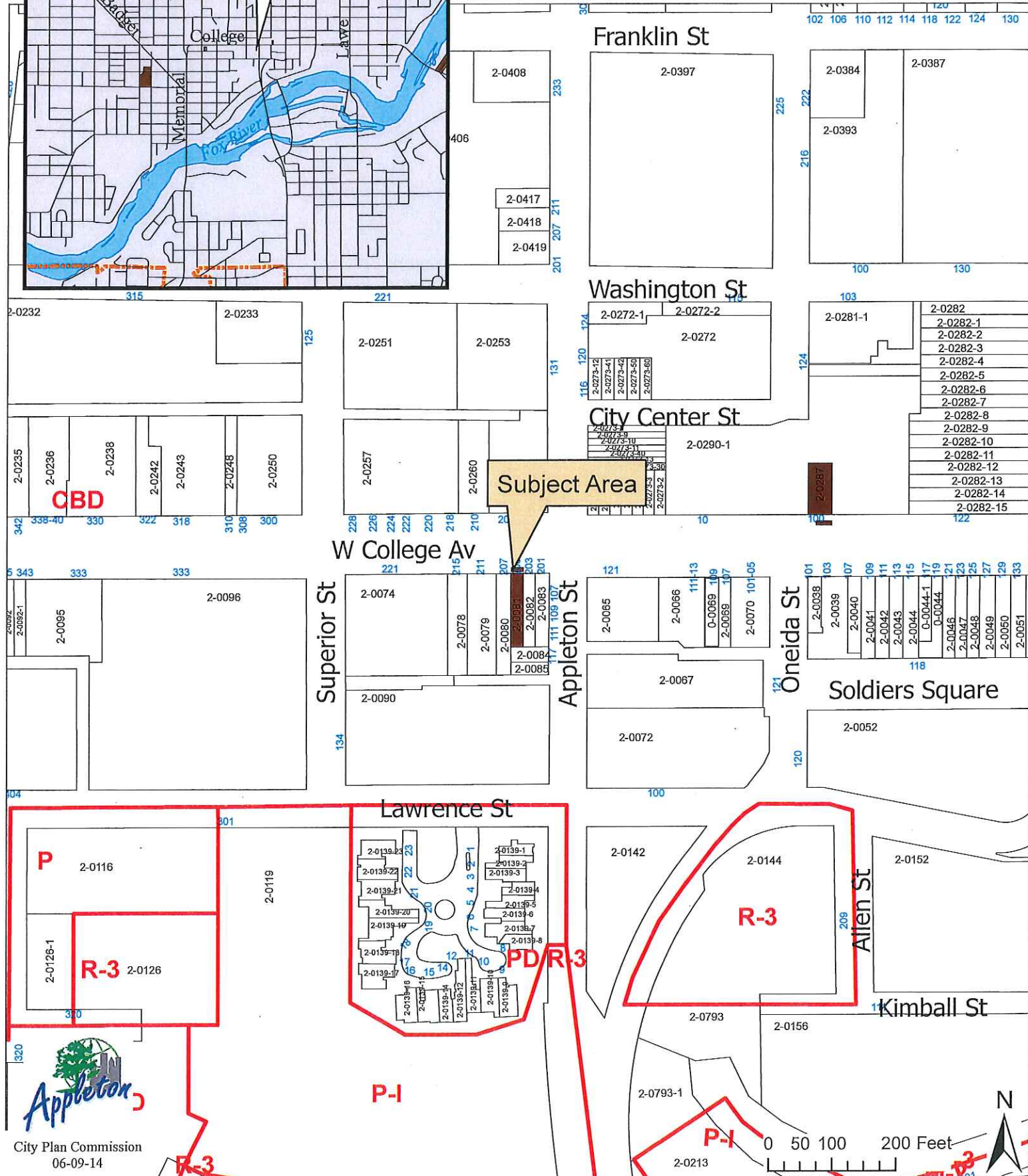
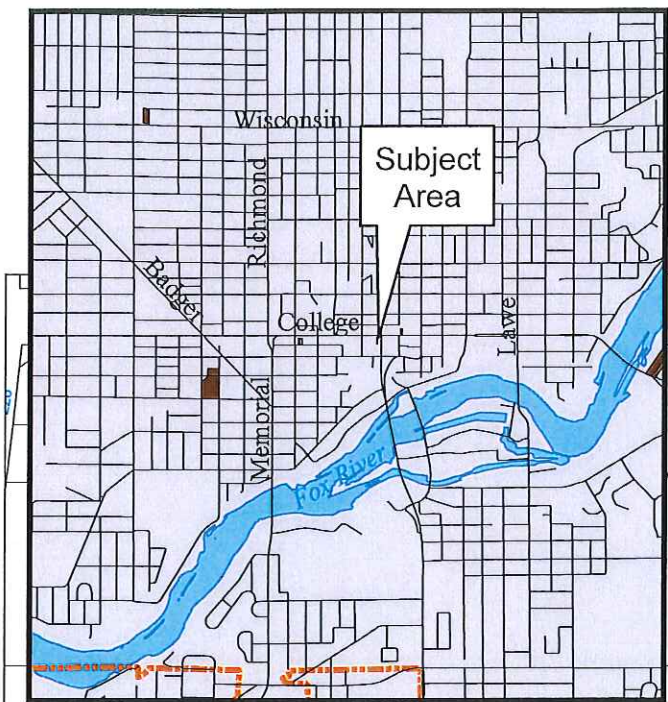
List nearby taverns: Cleo's + ~~max j's~~
mohicanos

Amusement Devices:

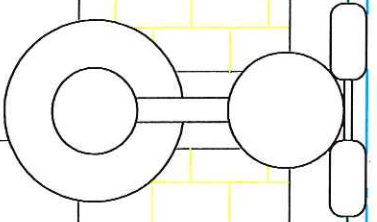
Number of video games: 4 Pool Tables: 0

Other amusement devices: Juke Box

205 West College Avenue
 Minor Amendment to Special Use Permit #13-05
 Sidewalk Cafe with Alcohol Service
 Mad Hatter Bar & Grill
 Zoning Map



W. College Av



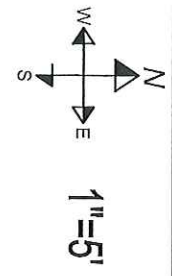
6'

19'

207

205

203



205 West College Avenue - Mad Hatter Bar & Grill
Minor Amendment to Special Use Permit #13-05
Sidewalk Cafe with Alcohol Service

City Plan Commission
Appleton, Wisconsin
01-09-08