



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: February 9, 2015

Common Council Meeting Date: February 18, 2015

Item: 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

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

Petitioner's Request: The applicant is requesting a Special Use Permit for a restaurant and outdoor patio with alcohol sales and consumption.

BACKGROUND

Planned Development Rezoning #12-08 was approved for the Riverheath development in 2008. It was subsequently amended with PD Rezoning #1-11 in 2011.

Site Plan #13-02 was approved in 2013 for the building and parking lot containing the proposed restaurant and outdoor patio with alcohol sales and consumption.

STAFF ANALYSIS

Existing Site Conditions: The site consists of an existing mixed-use building with interior parking and a parking lot and a boardwalk area fronting on the Fox River.

Zoning Ordinance Requirements: In order to obtain a Special Use Permit for a restaurant and outdoor patio with alcohol sales and consumption, the Plan Commission makes a recommendation to the Common Council which makes the final decision on whether to approve or deny the request. The Implementation Plan Document for PD Rezoning #1-11 lists restaurants with alcohol sales as Special Uses in the district.

The proposed restaurant capacity is approximately 80 persons, and 38 parking spaces will be available on site. One (1) parking space for each three (3) persons is required for a restaurant for a total of 27 required spaces. The building has a total of 69 spaces, and additional parking will be constructed with future phases of the overall development of the site, so adequate off-street parking will be provided. Residential tenants have assigned parking spaces within the indoor parking garage.

Operational Information: The proposed business hours are 11:00 a.m. – 11:00 p.m., Sunday-Thursday and 11:00 a.m. – 1:00 a.m. Friday and Saturday.

The proposed outdoor patio will be enclosed with three (3) foot high fencing/gating/landscaping. The patio will cover an area of approximately 25'x 30' (750 square feet) adjacent to the western wall of the building. The applicant stated that there may be background music on the patio. The City Noise Ordinance must be adhered to at all times.

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:

- **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.

Findings: This business is located within a mixed-use building along the Fox River. The Riverheath development has been designed to include a variety of uses including housing, retail uses, recreational opportunities, and professional and personal services. This request serves to expand the range of goods and services provided and furthers the intent of the district.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e)(1-6) and (h)(6), which were found in the affirmative.

Technical Review Group Report (TRG): This item was reviewed at the January 20, 2015 Technical Review Group meeting. The Health Department discussed the need for the applicant to be aware of the noise levels generated by the use for potential effects on adjacent residential uses. The Fire Department stated that address identification outside the building shall clearly identify the tenant space. This will be reviewed by the Inspections Division at the time building permits are issued.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #2-15 for a restaurant and outdoor patio with alcohol sales and consumption, **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. 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.
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 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: Mr. Brew's Taphouse

Years in operation: 0 yrs. in Northeast Wisconsin, several other locations in Wisconsin

Percentage of business derived from restaurant service: 50 %

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

Specialty burger and craft beer restaurant.

Hours of Operation: 11am-11pm/11am-1am

Days of Operation: Sunday-Thursday/Friday and Saturday

Noise, crowd, parking lot control methods: designated parking area/lot, outside seating will have fencing

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: 80 persons.

Outdoor uses:

Location, type, size and design of outdoor facilities: see attached map

Type and height of screening: plantings/fencing/gating 3' plantings/fencing/gating

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

Hours of Operation: 11am-11pm

Days of Operation: Sunday-Saturday

Are there plans for outdoor music/entertainment? Yes x No _____

If yes, describe soundproofing measures: 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 x No _____

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 provided 38 stalls.

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.

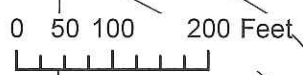
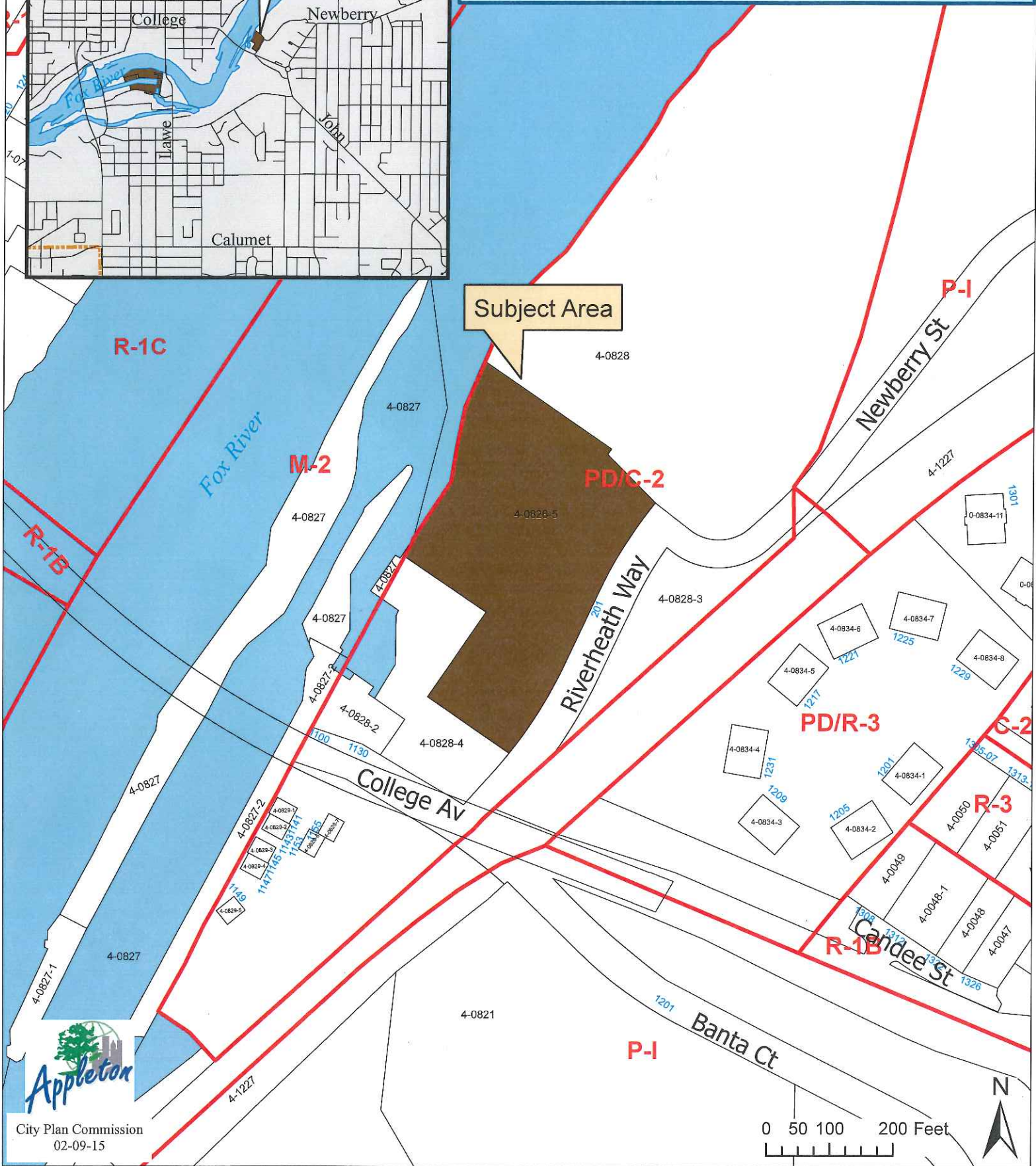
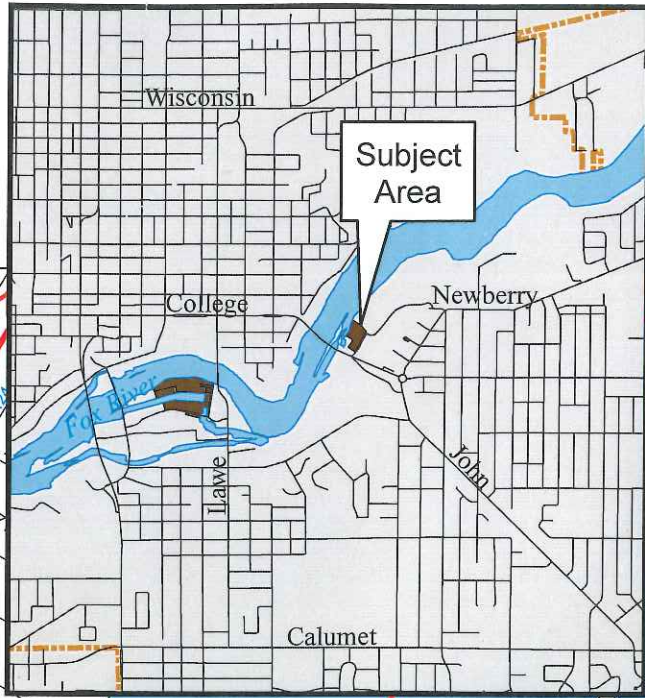
List nearby taverns: none

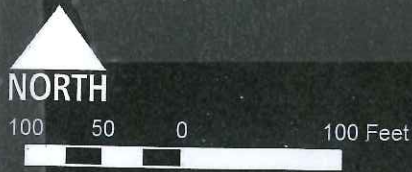
Amusement Devices:

Number of video games: 0 Pool Tables: 0

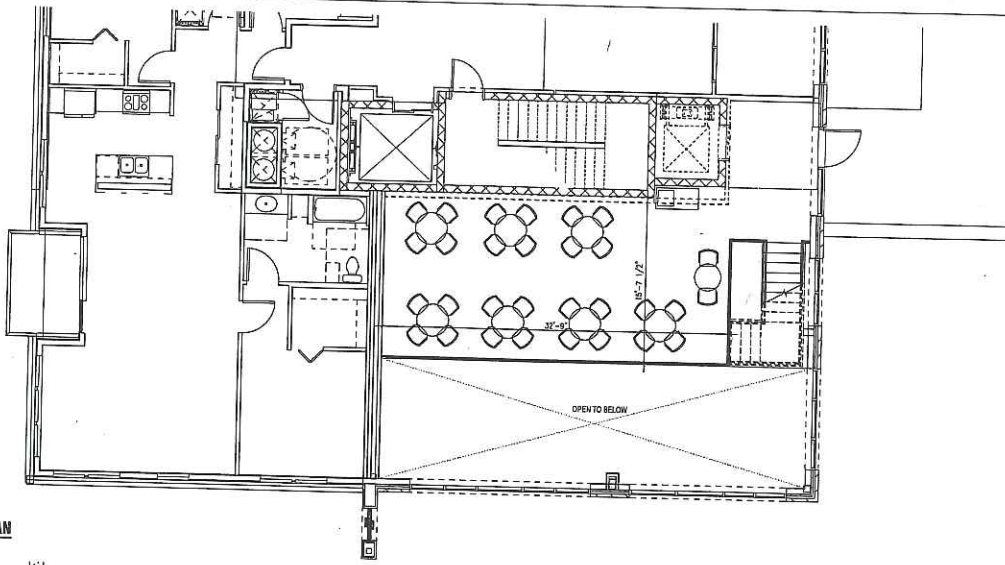
Other amusement devices: none

201 South Riverheath Way, Suite 1100
 Special Use Permit for a restaurant with alcohol sales and an outdoor patio area with alcohol sales and consumption - Mr. Brew's Taphouse
 Zoning Map

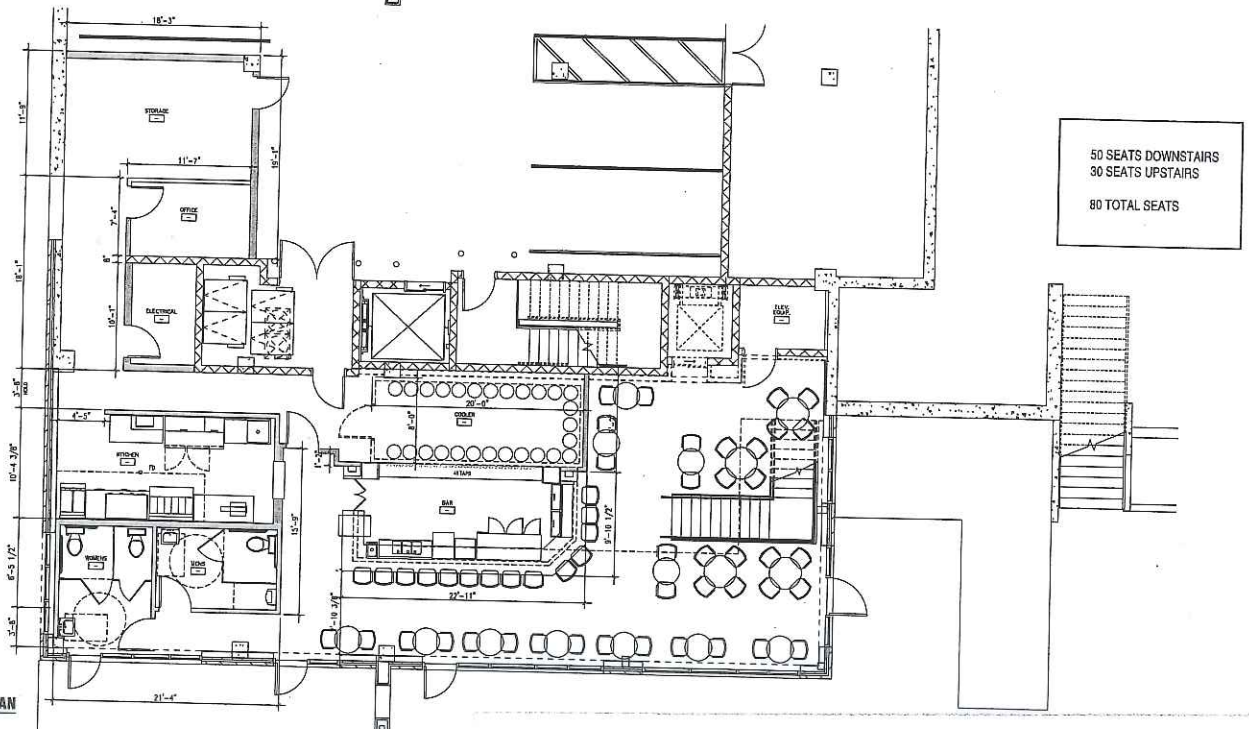




201 South Riverheath Way, Suite 1100
Special Use Permit for a restaurant with alcohol sales
and an outdoor patio area with alcohol sales and consumption
Mr. Brew's Taphouse



1 MEZZANINE FLOOR PLAN
318'-4" x 4"

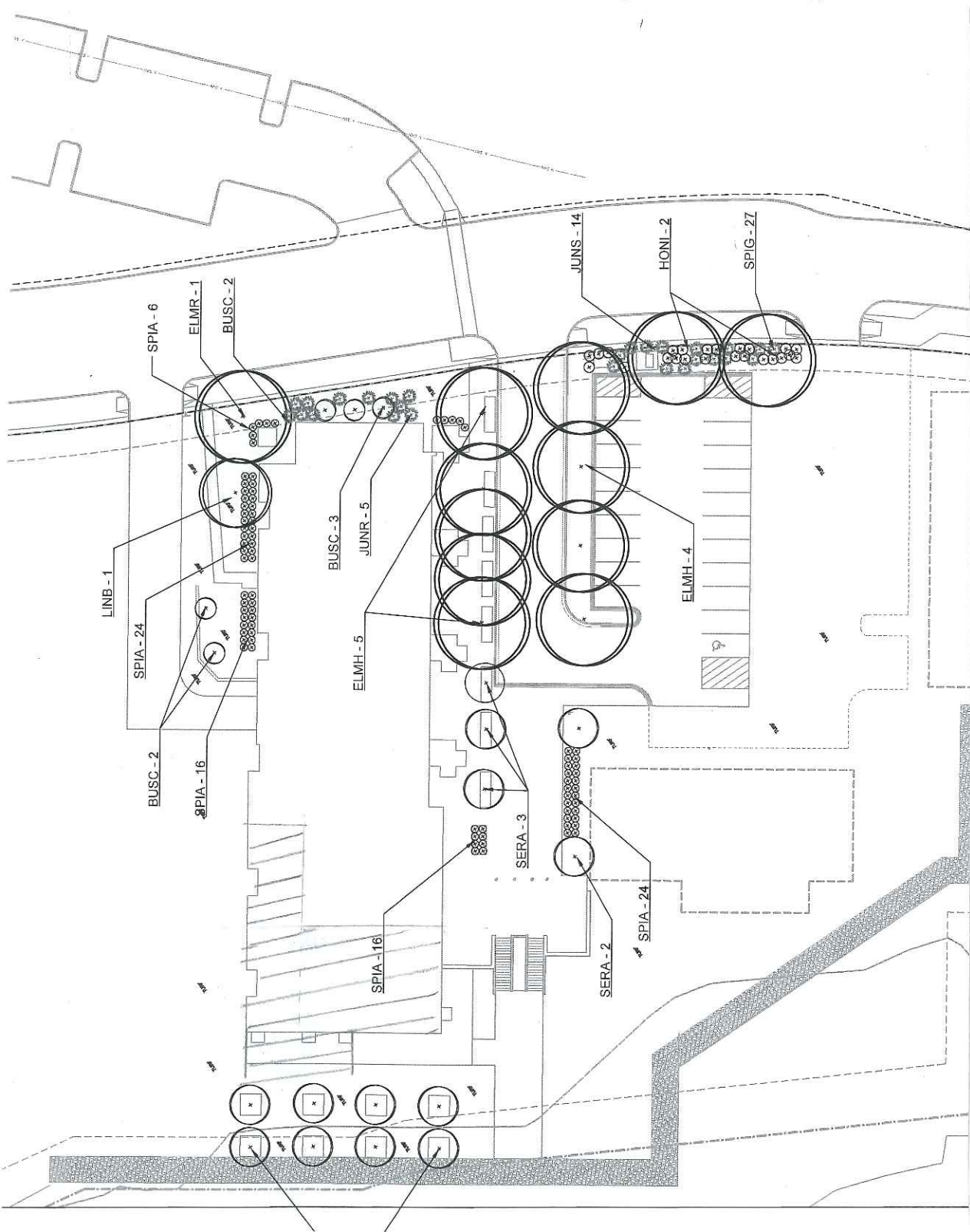


2 BASEMENT FLOOR PLAN
318'-4" x 4"

Outdoor 6 Foot Length Commercial Fencing
\$139.99

Outdoor 6 Foot Length Commercial Moveable
Fencing Product Details

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Mr. Brew's Taphouse



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