



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** June 14, 2023

**Common Council Meeting Date:** June 21, 2023

**Item:** Special Use Permit #7-23 for tavern with alcohol sales and service and proposed outdoor patio

**Case Manager:** Jessica Titel, Principal Planner

### GENERAL INFORMATION

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**Owner/Applicant:** 2x6 Holdings, LLC c /o Dan Burton – Maritime Bar

**Address/Parcel #:** 336 W. Wisconsin Avenue and 1312 N. Division Street (Tax Id #31-6-0599-00 & #31-6-0598-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit to conform and expand an existing tavern with an outdoor patio area with alcohol sales and consumption.

### BACKGROUND

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The property at 336 W. Wisconsin Avenue is currently being used as a tavern (Maritime Tavern) and off-street parking lot. The property at 1312 N. Division Street previously contained a single-family home that was recently razed.

On March 16, 2022 the Common Council approved an amendment the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the One and Two-Family Residential designation to the Mixed Use designation for the property located at 1312 N. Division Street (Parcel #31-6-0598-00). In conjunction with that request, the Common Council also approved a rezoning of the subject parcels from C-2 General Commercial District and R-1C Central City Residential District to C-1 Neighborhood Mixed Use District. The requests were made to establish a uniform Future Land Use Map designation and zoning classification for the subject property to allow for a shared parking lot expansion and a patio addition for the existing tavern (Maritime Bar).

An application for a Certified Survey Map to combine both parcels is currently under review. A Site Plan application is currently under review to construct an expansion to the existing parking lot serving Maritime Tavern at 336 W. Wisconsin and constructing an outdoor patio behind the tavern.

### STAFF ANALYSIS

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**Project Summary:** The applicant proposes to add an outdoor patio to the existing tavern. The patio is proposed to be approximately 1,650 square feet in area (33 feet x 50 feet). The Special Use Permit will bring the existing tavern into conformance with Section 23-112(e) of the Zoning Code and allow for the addition of an outdoor patio area with alcohol sales and consumption.

**Operational Information:** A plan of operation is attached to the staff report.

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**Outdoor Seating Area:** The applicant is proposing to add an outdoor patio that will be approximately 1,650 Square feet in area (33 feet x 50 feet).

**Existing Site Conditions:** The existing tavern building totals approximately 2,423 square feet in size. The subject parcel at 1312 N. Division is currently vacant. Upon approval and recording of the proposed one-lot Certified Survey Map, the lot size will total 12,839 square feet in area. The subject property also includes an off-street parking lot, with access from West Wisconsin Avenue and future access from North Division Street (upon completion of the proposed parking lot expansion and lot combination).

**Current Zoning and Procedural Findings:** The subject property has a zoning designation of C-1 Neighborhood Mixed Use District. Per Section 23-112(e) of the Municipal Code, a tavern requires a Special Use Permit in the C-1 District. The existing tavern does not have a Special Use Permit as it has been in operation prior to the need to obtain a Special Use Permit. Since the proposed patio area expands the alcohol sales and consumption area by more than 10% of the existing area, a Special Use Permit is required. The Special Use Permit will bring the existing tavern into conformance with Section 23-112(e) and allow for the addition an outdoor patio area with alcohol sales and consumption. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

**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 and residential in nature.

North: R-2 Two-Family District. The adjacent land use to the north is currently a two-family residential home.

South: C-2 General Commercial District. The adjacent land uses to the south are currently multi-tenant buildings containing a mix of commercial uses.

East: C-2 General Commercial District. The adjacent land use to the east is currently a mix of commercial uses in a multi-tenant building.

West: C-2 General Commercial District. The adjacent land uses to the west are currently commercial.

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with goals and objectives found in the City's *Comprehensive Plan 2010-2030*. 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.*

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*OBJECTIVE 9.5 Economic Development:*

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

*OBJECTIVE 10.5 Land Use:*

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

*Chapter 15 - Wisconsin Avenue Corridor Plan – General Plan Primary Objective 3:*

*Encourage private renovation and redevelopment that addresses existing limitations of platting and land assembly, site planning issues such as parking and access, and aesthetics.*

**Technical Review Group (TRG) Report:** This item appeared on the May 23, 2023 TRG agenda. No negative comments were received from participating departments.

**Zoning Ordinance Requirements and Substantial Evidence:** When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

**Finding of Fact:** This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

**RECOMMENDATION**

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Staff recommends, based on the above analysis, that Special Use Permit #7-23 for an existing tavern and proposed outdoor patio located at 336 W. Wisconsin Avenue and 1312 N. Division Street (Tax Id #31-6-0599-00 & #31-6-0598-00), 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. The applicant shall receive approval of a Liquor License premise amendment from the City Clerk prior to serving alcohol on the outdoor patio.

*Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.*

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

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

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3. The site shall be kept free of litter and debris.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

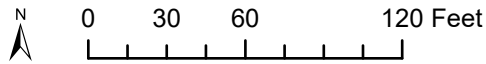
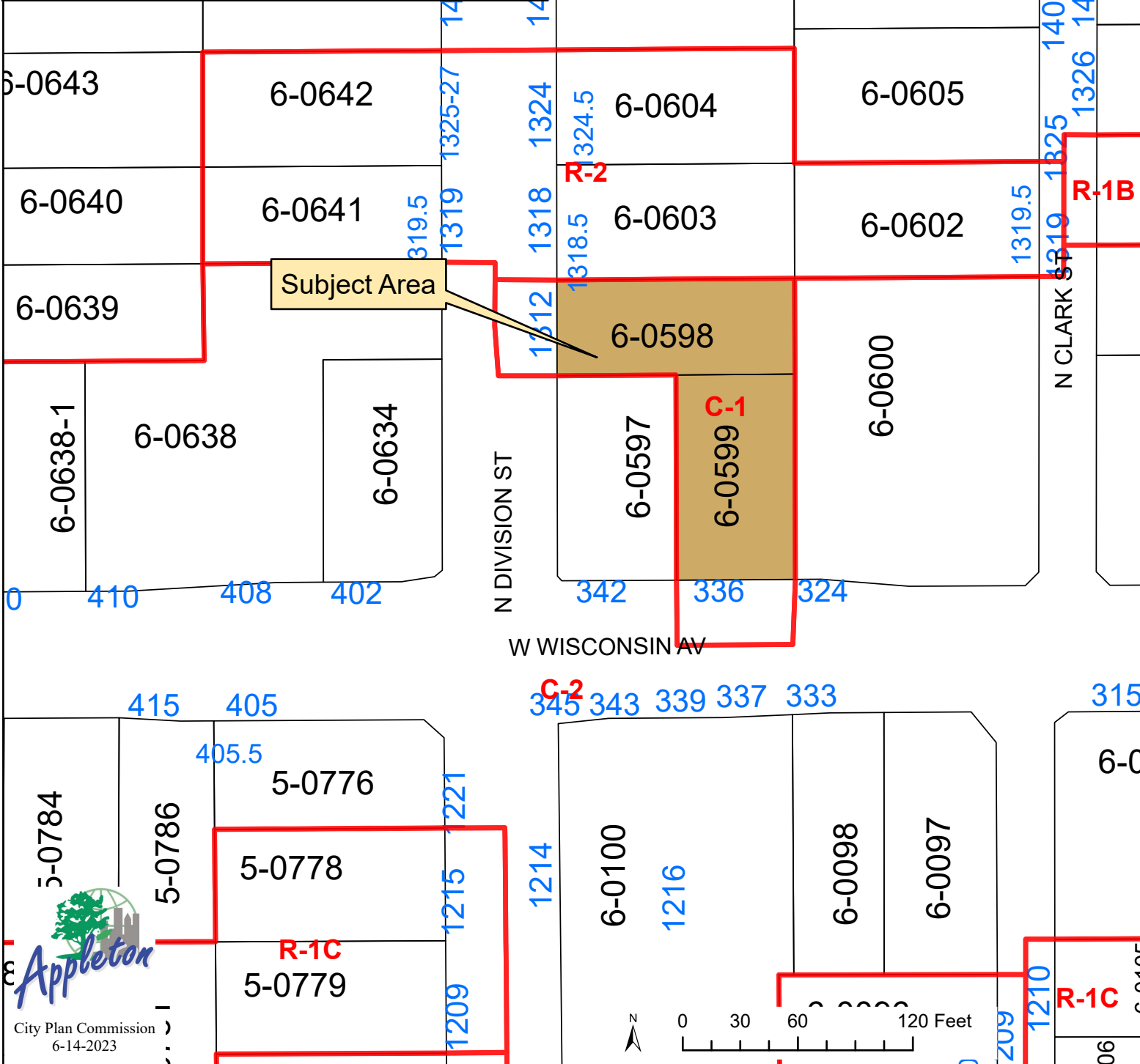
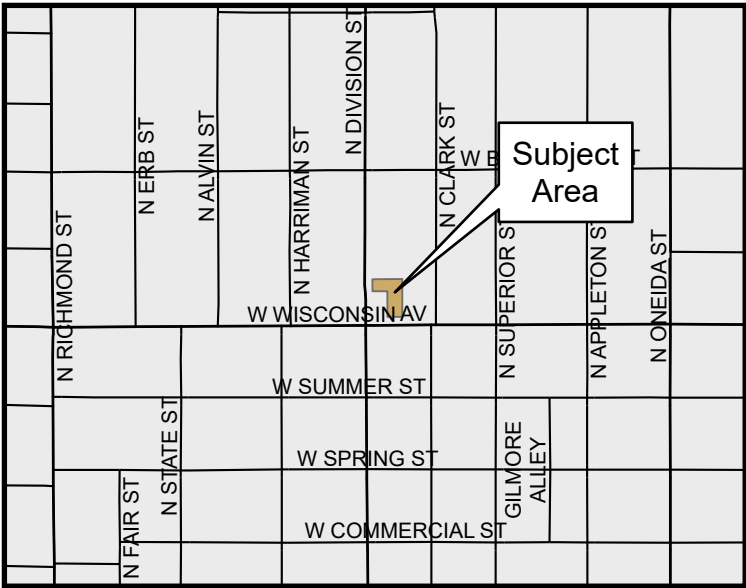
5. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

*Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.*

6. The proposed outdoor patio will cross an existing property line. Prior to construction of the outdoor patio, Certified Survey Map (CSM #4-22) shall be approved and recorded.

*Substantial Evidence: This condition provides notice to the owner and applicant that accessory structures are not permitted to cross property lines. The Certified Survey Map is required to comply with Zoning Code standards.*

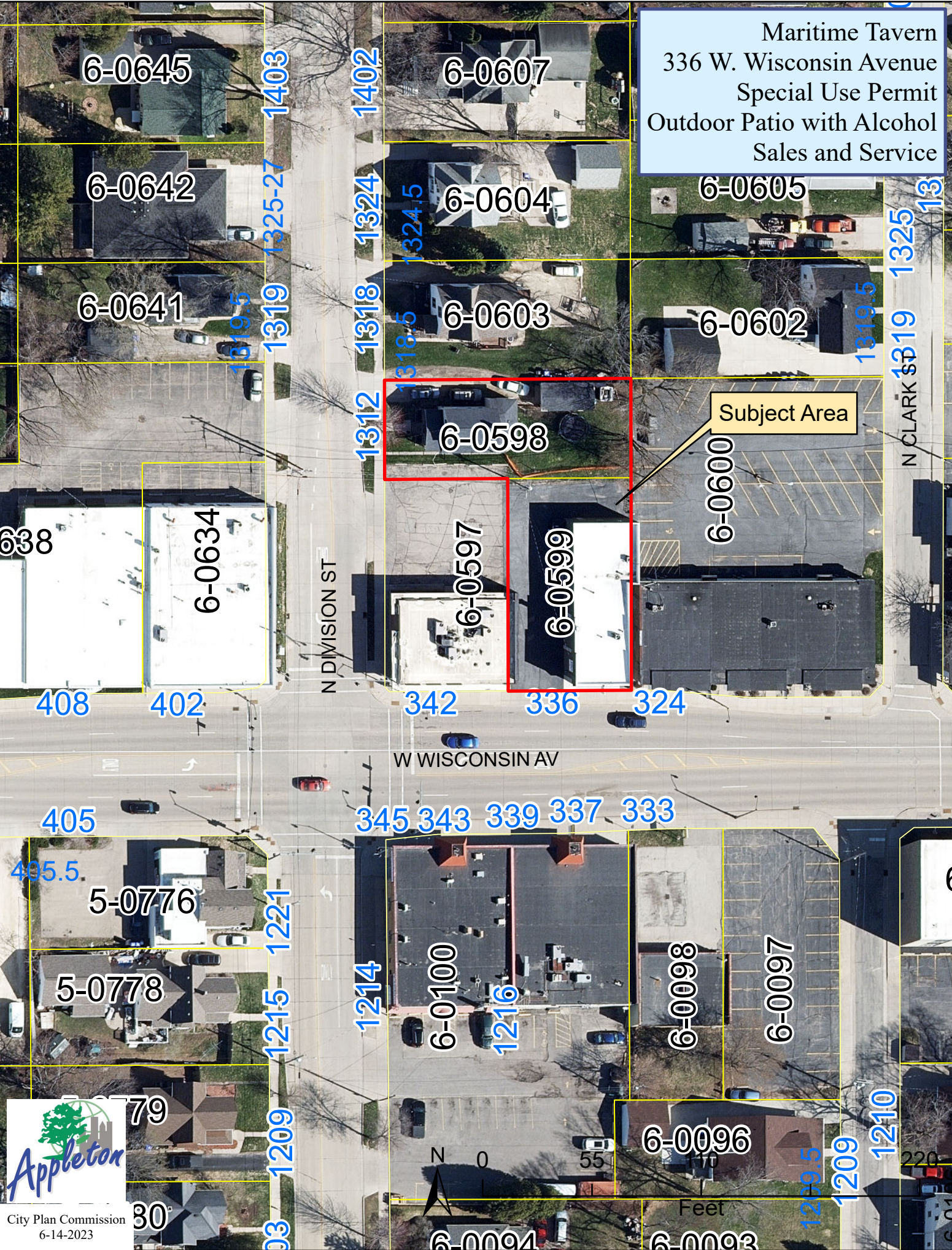
Maritime Tavern  
 336 W. Wisconsin Avenue  
 Special Use Permit  
 Outdoor Patio with Alcohol  
 Sales and Service





Maritime Tavern  
336 W. Wisconsin Avenue  
Special Use Permit  
Outdoor Patio with Alcohol  
Sales and Service

Subject Area



City Plan Commission  
6-14-2023



**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #7-23  
TAVERN WITH OUTDOOR PATIO WITH ALCOHOL  
336 W. WISCONSIN AVENUE & 1312 N. DIVISION STREET**

**WHEREAS**, Dan Burton, of Maritime Bar, has applied for a Special Use Permit to add an outdoor patio with alcohol sales and service associated with an existing tavern located at 336 W. Wisconsin Avenue and 1312 N. Division Street, also identified as Parcel Numbers 31-6-0599-00 & 31-6-0598-00; and

**WHEREAS**, the existing tavern is located in the C-1 Neighborhood Mixed Use District, and the proposed outdoor patio may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on June 14, 2023 on Special Use Permit #7-23, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

**WHEREAS**, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony 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)(1-8) of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #7-23 to the City of Appleton Common Council with a favorable conditional 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 June 21, 2023.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Common Council, based on Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #7-23 to add an outdoor patio with alcohol sales and service associated with an existing tavern located at 336 W. Wisconsin Avenue and 1312 N. Division Street, also identified as Parcel Numbers 31-6-0599-00 & 31-6-0598-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #7-23 for an outdoor patio with alcohol sales and service associated with an existing tavern located at 336 W. Wisconsin Avenue and 1312 N. Division Street, also identified as Parcel Numbers 31-6-0599-00 & 31-6-0598-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

**CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #7-23:**

- A. The applicant shall receive approval of a Liquor License premise amendment from the City Clerk prior to serving alcohol on the outdoor patio.
  - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
  - C. The site shall be kept free of litter and debris.
  - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
  - E. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
  - F. The proposed outdoor patio will cross an existing property line. Prior to construction of the outdoor patio, Certified Survey Map (CSM #4-22) shall be approved and recorded.
4. The City Clerk's Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Jacob A. Woodford, Mayor

ATTEST:

\_\_\_\_\_  
Kami Lynch, City Clerk



## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business Information:

Name of business: Maritime Bar/2x6 Holdings LLC

Years in operation: 8 plus

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other Add outdoor patio area

Detailed explanation of proposed business activities:

Addition of an outdoor patio with alcohol sales and consumption.

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) 2,423 SF

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) 4,073 SF

**Occupancy Limits:**

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: 99 persons.

**Proposed Hours of Operation for Indoor Uses:**

Day	From	To
Monday thru Thursday	3P	Close
Friday	1P	Close
Saturday	1P	Close
Sunday	1P	Close

**Production/Storage Information:**

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year
- Proposed production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year
- Current production of wine: \_\_\_\_\_ U.S. gallons per year
- Proposed production of wine: \_\_\_\_\_ U.S. gallons per year
- Current production of intoxicating liquor: \_\_\_\_\_ proof gallons per year
- Proposed production of intoxicating liquor: \_\_\_\_\_ proof gallons per year

None. If none, leave the following two storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

**Outdoor Space Uses:**

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other \_\_\_\_\_.
- None. If none, leave the following questions in this section blank.

Size: 1650 (33x50) square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

Fencing  Landscaping  Other \_\_\_\_\_ Height 3' to 6' feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes  No

If yes, please describe:

Addition of an outdoor patio with alcohol sales and consumption.

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 Space:**

Day	From	To
Monday thru Thursday	3P	Close
Friday	3P	Close
Saturday	1P	Close
Sunday	1P	Close

**NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):**

**\*\*\*\*\*Municipal Code Section 9-262(b)(4): 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 by 9:30 p.m.**

**Describe Any Potential Noise Emanating From the Proposed Use:**

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

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

Perimeter fencing.

**Off-Street Parking:**

Number of spaces existing on-site: 17

Number of spaces proposed on-site: 17

**Street Access:**

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

No

**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:

10 Frame

**Number of Employees:**

Number of existing employees: 6

Number of proposed employees: 6

Number of employees scheduled to work on the largest shift: 2



# SITE PLAN

## OWNERS

2X6 HOLDINGS LLC  
503 HOMESTEAD TRAIL  
KIMBERLY, WI 54136

TWO BUCKS ONLY II LLC  
512 CORTLAND COURT  
KIMBERLY, WI 54136

## GENERAL CONTRACTOR

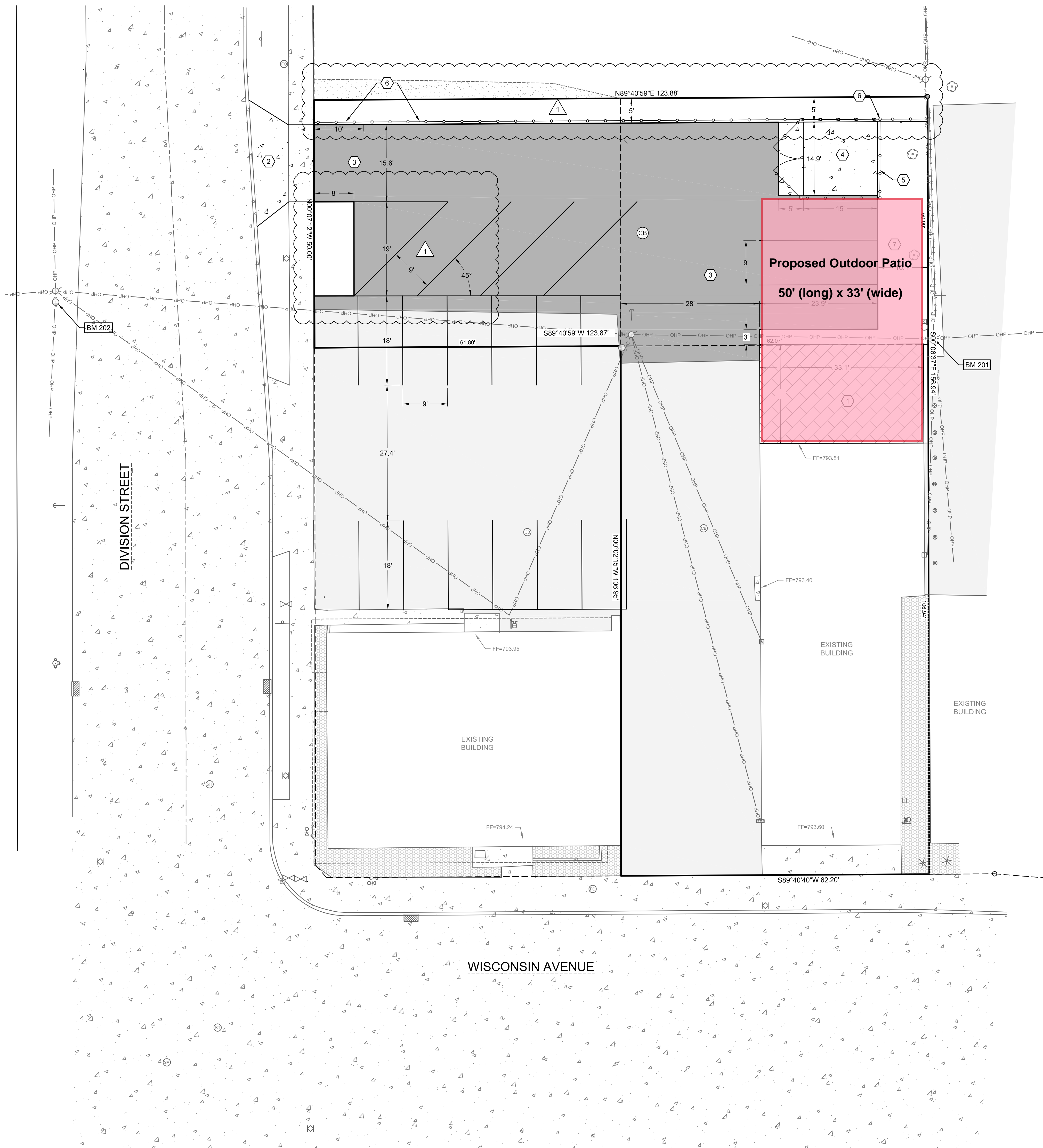
CR STRUCTURES GROUP, INC.  
327 RANDOLPH DRIVE - SUITE A  
APPLETON, WI 54913

## SHEET KEY NOTES:

- ① EXTERIOR PATIO
- ② RELOCATED DRIVEWAY APRON; SEE DETAIL D SHEET C6
- ③ ASPHALT PAVEMENT; SEE DETAIL E SHEET C6
- ④ DUMPSTER PAD; SEE DETAIL F SHEET C6
- ⑤ DUMPSTER ENCLOSURE, TO BE 5' HIGH CHAIN LINK FENCE WITH VINYL PRIVACY SLATS
- ⑥ 6' BOARD ON BOARD FENCE, FENCE TO BE NO HIGHER THAN 3' WITHIN 10' OF THE RIGHT-OF-WAY
- ⑦ SNOW STORAGE

## SITE STATISTICS

①	ADDRESS	336 W. WISCONSIN AVENUE
	PARCEL NO.	31-6-0599-00
	PARCEL SIZE	12,629 SF
	ZONING	C-1 - NEIGHBORHOOD MIXED USE DISTRICT
	EXISTING SITE	31-6-0599-00
	GREEN SPACE	6501 SF
	IMPERVIOUS AREA	
	BUILDING	2444 SF
	PAVEMENT	3684 SF
	TOTAL IMPERVIOUS	6128 SF
	PROPOSED SITE	
	TOTAL DISTURBED AREA	6948 SF
	GREEN SPACE REQUIRED (10%)	1263 SF
	GREEN SPACE PROVIDED	1630 SF
	IMPERVIOUS AREA	
	BUILDING	2444 SF
	PAVEMENT	8558 SF
	TOTAL	11002 SF
	PARKING SPACES REQUIRED	50% OF 1 SPACE/3 PERSONS MAXIMUM CAPACITY MAXIMUM CAPACITY = 99 50% X 99 / 3 = 17 STALLS
	PARKING SPACES PROVIDED	20 PROVIDED, INCLUDES PROPERTY NEXT DOOR
	RECYCLING CALCULATIONS	
	7 CF / 1000 SF	
	2444 SF / 1000 SF X 7 CF = 17.1 CF	
	MINIMUM DUMPSTER 2 CY (54 CF)	

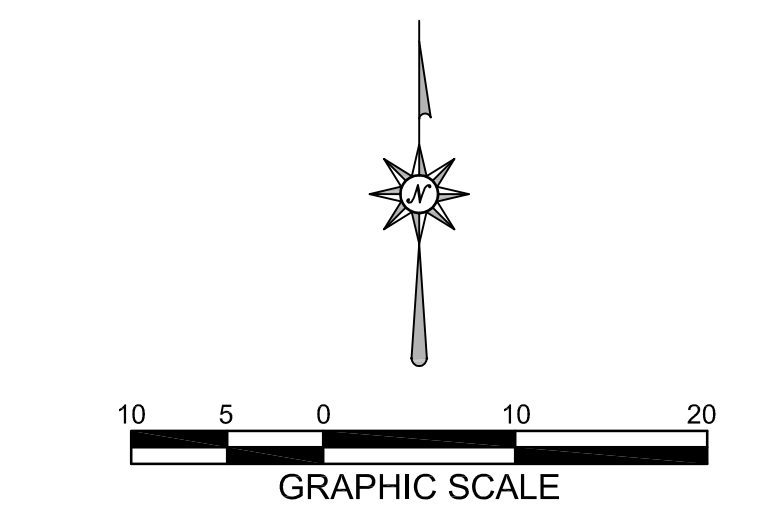


PROPOSED PARKING LOT EXPANSION FOR,  
**MARITIME TAVERN**  
 APPLETON, WISCONSIN



DATE: 01/08/2022  
 ARCH: J. EHRFURTH  
 D. BY: RPH  
 JOB: 20-180  
 REV: 1 3/23/2022 CITY COMMENTS

C3



2260 Salscheider Court Green Bay, WI 54313  
 PH: 920-569-5765; Fax: 920-569-5767  
 www.mach-iv.com  
 Project Number: 1892-01-21