



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** July 10, 2018

**Common Council Meeting Date:** July 18, 2018

**Item:** Special Use Permit #5-18 for an outdoor seating area with alcohol sales and service

**Case Manager:** Don Harp

### GENERAL INFORMATION

---

**Owner:** 222 Building, LLC c/o John Pfefferle

**Applicant:** Mondo Wine Bar & Retail c/o David Oliver

**Address/Parcel #:** 218-220 West College Avenue (Tax Id #31-2-0257-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for an outdoor seating area with alcohol sales and consumption. The proposed outdoor area is an extension of Mondo Wine Bar and Retail.

### BACKGROUND

---

The Common Council approved Special Use Permit #11-17 for Mondo Wine Bar and Retail, including a sidewalk café with alcohol sales on November 1, 2017. If approved, this request would not replace the applicant's previous Special Use Permit.

The Common Council approved a premise description amendment for the area described in this special use permit to the Reserve Beer/Liquor License application for Mondo Wine Bar and Retail on June 20, 2018 because the subject area was not described in the previously approve license.

### STAFF ANALYSIS

---

**Existing Site Conditions:** The site is currently developed with an existing building that is approximately 242,902 square feet in size. The building was originally constructed in 1951. The site also includes a semi enclosed privately owned public space and an off-street surface parking lot.

**Zoning Ordinance Requirements:** The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, wine bars and outdoor seating with alcohol sales and service require a Special Use Permit in the CBD District. In order to permit alcohol sales and service in conjunction with the proposed outdoor seating area, 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.

**Project Summary:** The applicant proposes to establish an outdoor seating area with alcohol sales and consumption within the privately owned public space located on the lot with the 222 Building and adjacent to the Copper Rock Coffee building. The proposed outdoor seating area with alcohol sales and consumption is an extension of operations for Mondo Wine Bar and Retail located at 220 West College Avenue. The privately owned public space per application materials will be shared between Mondo Wine Bar and Retail and Appleton Downtown Incorporated (ADI).

The following is a summary of the proposed operational details for the outdoor seating area with alcohol sales:

- A licensed bartender will serve alcoholic beverages to the customers within the outdoor seating area. All transactions will occur within the outdoor seating area.
- A licensed bartender will be present within the outdoor seating area at all times to monitor customer activities during hours of operation.
- Staff from inside Mondo Wine Bar and Retail will replenish products for sale so the bartender on duty does not leave the outdoor seating area.
- A three (3) foot high decorative fence will be installed on the subject property adjacent to the College Avenue sidewalk.
- Surface material consists of existing asphalt pavement.
- The hours of operation: Weekdays 4 p.m. – 9 p.m., Friday noon – 9 p.m., Saturday 10 a.m. – 9 p.m. and Sunday noon – 6 p.m.

**Operational Information:** The proposed Plan of Operation for the existing wine bar and proposed outdoor seating area is attached to the staff report.

**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 commercial in nature.

North: CBD Central Business District. The adjacent land uses to the north are currently a mix of commercial uses.

South: CBD Central Business District. The adjacent land uses to the south are currently a mix of commercial uses.

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of commercial uses.

West: CBD Central Business District. The adjacent land uses to the west are currently a mix of commercial uses.

**Special Use Permit #5-18**  
**July 10, 2018**  
**Page 3**

**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*.

*Chapter 14 Downtown Plan - Strategy 1.6: Add additional flexible outdoor space throughout the downtown area*

- A. Identify specific locations and arrangements of outdoor seating and supportive outdoor furnishings which enhance the pedestrian experience.*
- B. Review policies in place, identify barriers, and plan to adjust/remove barriers to encourage private businesses to add additional outdoor spaces including but not limited to outdoor seating, decks, patios, rooftop space, and sidewalk cafés.*

*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 9.5 Economic Development:*

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

**Finding of Fact:** Prior to the granting of any Special Use Permit, the City Plan Commission may recommend and the Common Council place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in Section 23-66 (e) (1-6). This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66 (e) (1-6), which were found in the affirmative.

The applicant's proposed outdoor seating area with alcoholic sales/consumption does not appear to be incompatible with the neighborhood character, purpose and intent of the Zoning Ordinance and Central Business District or the 2010-2030 Comprehensive Plan. Conditions are drafted for this request to offset any potential impacts to the public interest (welfare or well-being of the general public).

**Technical Review Group (TRG) Report:** This item was discussed at the June 19, 2018 Technical Review Group meeting. The outdoor seating is not accessed from, nor adjacent to, the existing wine bar; therefore, it's recommended a licensed bartender be present in the outdoor seating area when alcoholic beverages are being served and consumed by customers. The occupant load for this proposed use will be determined by the Appleton Fire Department in accordance with the anticipated use per the IFC 1004.8 prior to the applicant occupying the outdoor space.

**Written Public Comments:** No questions, concerns, or comments have been received from the surrounding neighborhood.

### **RECOMMENDATION**

---

Staff recommends, based on the above, that Special Use Permit #5-18 for Mondo Wine Bar and Retail, for an outdoor seating area with alcohol sales and consumption located at 218-220 West College Avenue, also identified as Parcel Number 31-2-0257-00, 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 receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premise.
3. Any future expansions for the serving and/or consumption of alcohol 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 outdoor area shall be monitored and supervised by staff at all times when alcohol is being served and consumed.
7. The consumption of alcohol shall be limited to the area within the confines of the existing fence, flower box planters, building walls and proposed fence.

## RESOLUTION

### CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #5-18

**WHEREAS**, David Oliver, Mondo Wine Bar and Retail has applied for a Special Use Permit for an outdoor seating area with alcohol sales and consumption located at 218-220 West College Avenue, also identified as Parcel Number 31-2-0257-00; and

**WHEREAS**, the location for the proposed outdoor seating 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 July 10, 2018 on Special Use Permit #5-18 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 #5-18 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 \_\_\_\_\_, 2018 and found it to be acceptable.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Appleton Common Council approves Special Use Permit #5-18 for Mondo Wine Bar and Retail regarding an outdoor seating area with alcohol sales and consumption located at 218-220 West College Avenue, also identified as Parcel Number 31-2-0257-00, and orders as follows:

#### CONDITIONS OF SPECIAL USE PERMIT #5-18

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 receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premise.
3. Any future expansions for the serving and/or consumption of alcohol 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 outdoor area shall be monitored and supervised by staff at all times when alcohol is being served and consumed.
7. The consumption of alcohol shall be limited to the area within the confines of the existing fence, flower box planters, building walls and proposed fence.

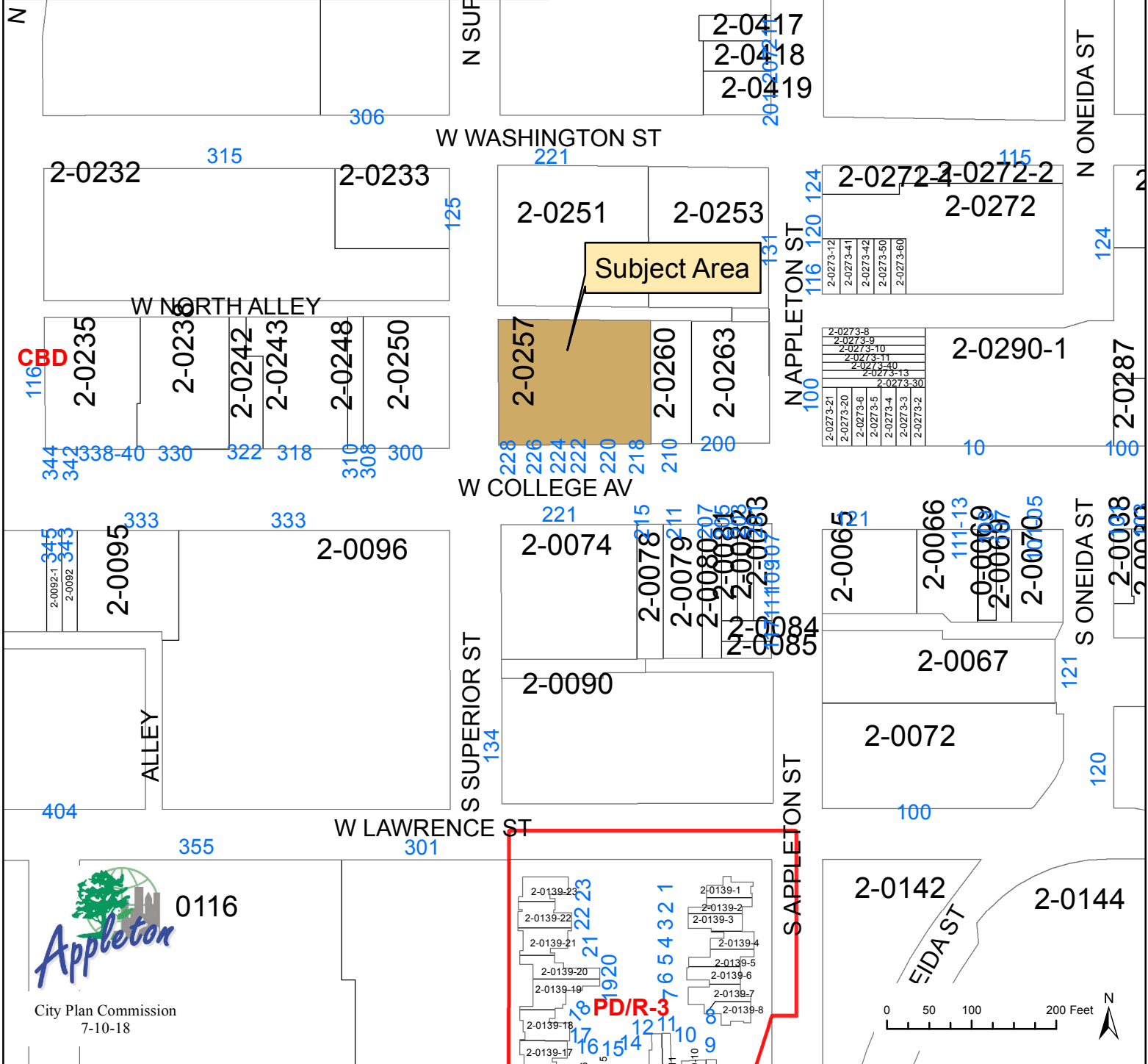
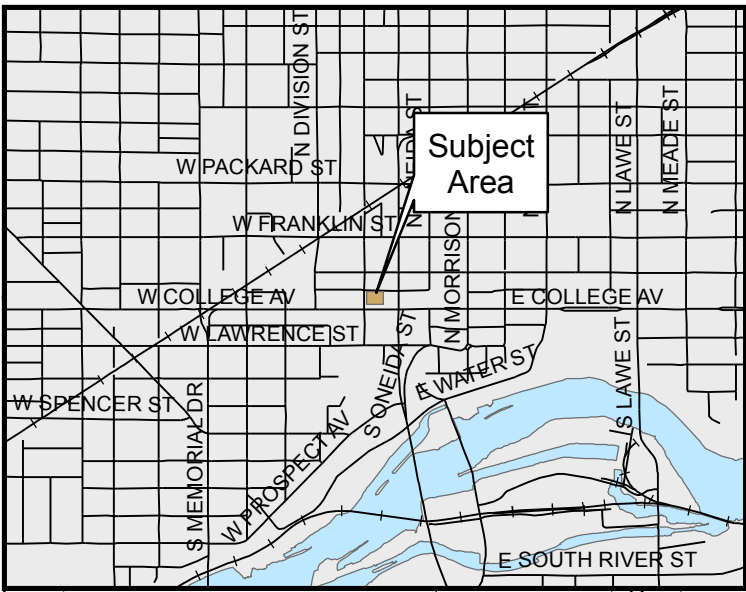
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Timothy M. Hanna, Mayor

ATTEST:

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

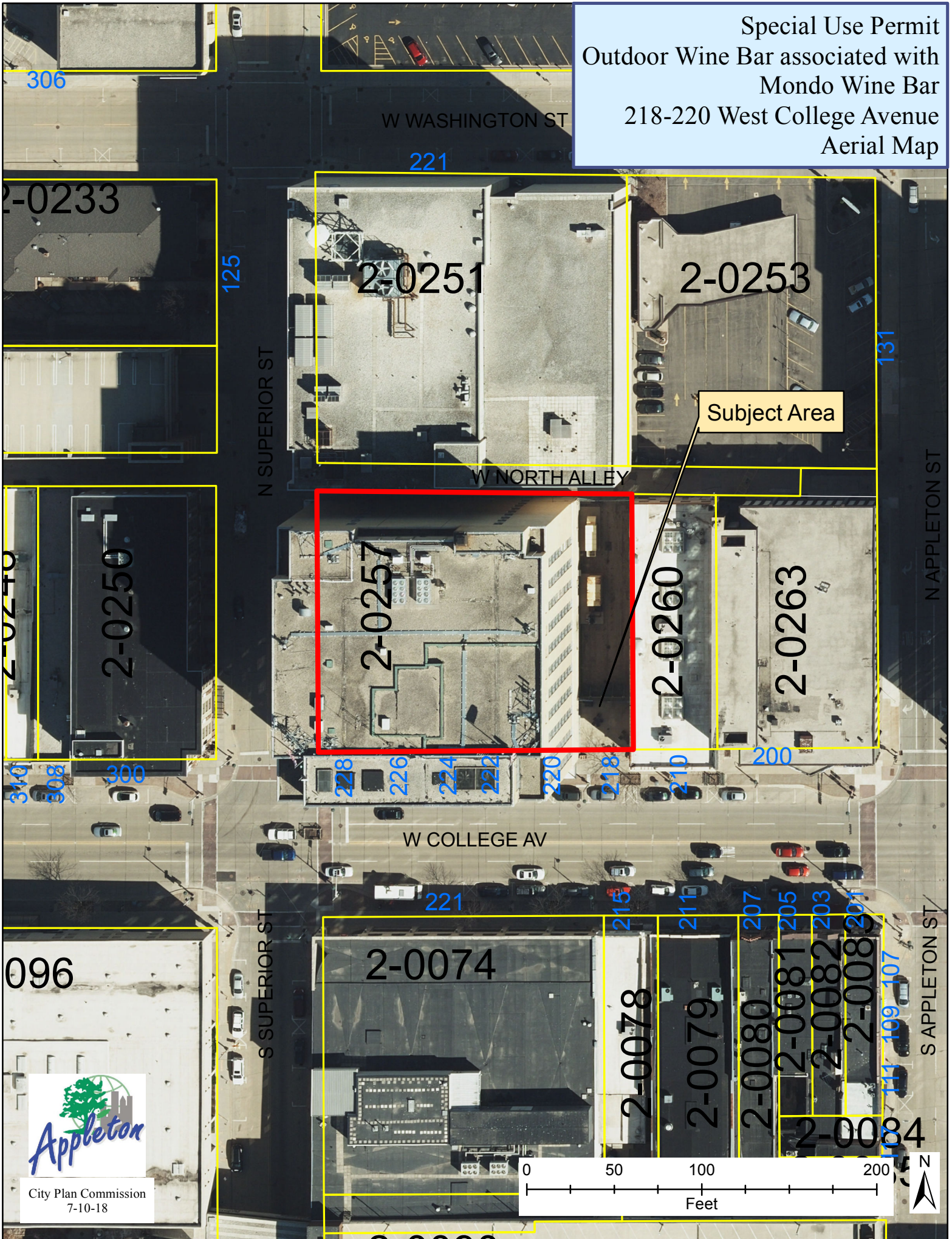
Special Use Permit  
 Outdoor Wine Bar associated with  
 Mondo Wine Bar  
 218-220 West College Avenue  
 Zoning Map



2-0139-23  
 2-0139-22  
 2-0139-21  
 2-0139-20  
 2-0139-19  
 2-0139-18  
 2-0139-17  
 2-0139-16  
 2-0139-15  
 2-0139-14  
 2-0139-13  
 2-0139-12  
 2-0139-11  
 2-0139-10  
 2-0139-9  
 2-0139-8  
 2-0139-7  
 2-0139-6  
 2-0139-5  
 2-0139-4  
 2-0139-3  
 2-0139-2  
 2-0139-1



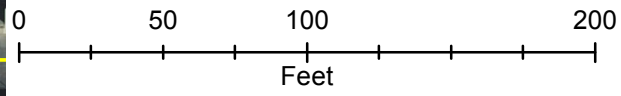
Special Use Permit  
Outdoor Wine Bar associated with  
Mondo Wine Bar  
218-220 West College Avenue  
Aerial Map



Subject Area



City Plan Commission  
7-10-18





**ONSITE ALCOHOL CONSUMPTION  
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

**Business information:**

Name of Business: Mondo Wine Bar & Retail

Years in operation: <1

Type of the proposed establishment (detailed explanation of business): Outside patio space serving beer and wine.

**Proposed Hours of Operation for the Indoor Space:**

Day	From	To
Week Day	3pm	10pm
Friday	3pm	10pm
Saturday	10am	10pm
Sunday	12pm	6pm

**Posted capacity:**

Maximum number of persons permitted to occupy the 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): 1,315 square feet

Gross floor area of the proposed building(s): 1,100

Crowd control methods: Temporary cafe fencing

**Describe any potential noise emanating from the proposed use:**

A. Describe the noise levels anticipated from all equipment: We do not anticipate any equipment noise as there will be no machinery or electronic coolers.

B. How will the noise be controlled? Noise will be minimal as we will not have amplified music aside from occasional special events.

**Outdoor uses:**

Location, type, size and design of outdoor facilities: The parklet between the 222 Building and the Copper Rock. Enclosed on 2 sides by buildings and the back by a fence. The dimensions are 31'6" x 35'.

Type and height of screening of plantings/fencing/gating: There are wooden planters on either side of the opening that are 4' wide with 3 sections that range from 4' high to 2' high. There will be 3' tall decorative resin fencing that will be movable. The opening into the parklet will be roughly 4' wide.

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

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

If yes, describe how will the noise be controlled: Any music will be live and only performed periodically. There will be either no amplification or minimal amplification.

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

Will staff monitor the outdoor facility? Yes X No      If yes, identify the number of staff monitoring the outdoor facility 1-2.

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

Day	From	To
Week Day	4pm	9pm
Friday	12pm	9pm
Saturday	10am	9pm
Sunday	12pm	6pm

**Outdoor lighting:**

Type: \_\_\_\_\_

Location: \_\_\_\_\_

**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: This will be an extension of an existing licensed premise, so it will not increase the number of licensed premises.

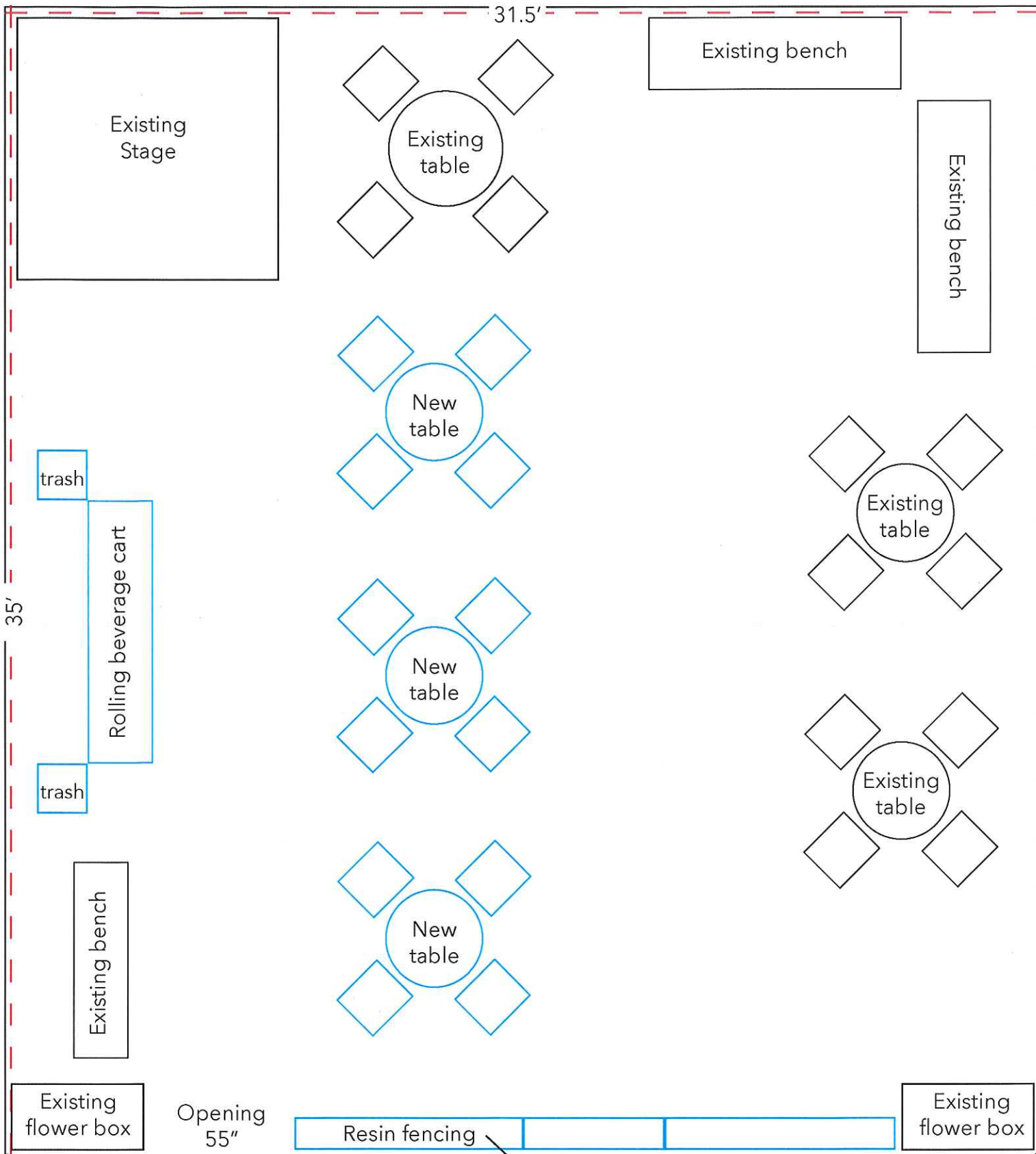
**Number of Employees:**

Number of Existing Employees: 3

Number of Proposed Employees: 5

Number of Employees scheduled to work on the largest shift: 3

Existing chain link fence with slats



College Avenue

-----

-----

-----





