



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: June 8, 2015

Common Council Meeting Date: June 17, 2015

Item: Special Use Permit #4-15 for a tavern and outdoor patio with alcohol sales and consumption

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Jay J. Plamann - property owner, applicant

Building Address/Parcel #: 223 East College Avenue / #31-2-0022-00

Petitioner's Request: The applicant is requesting a Special Use Permit for a tavern and outdoor patio (14' x 25') with alcohol sales and consumption.

BACKGROUND

Jim's Place tavern has operated at this location for the past 18 years.

STAFF ANALYSIS

Existing Site Conditions: The site consists of an existing building with a tavern, the proposed patio area covered by an overhang, and parking.

Zoning Ordinance Requirements: In order to obtain a Special Use Permit for a tavern 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 existing tavern has been in operation on the site for 18 years. The SUP will conform the existing tavern use and allow for an expansion of the sale and consumption of alcohol to an outdoor patio area.

Operational Information: The attached Plan of Operation states the business hours are 4:00 p.m. – bar closing time, Monday - Saturday. The tavern capacity is 99 persons.

Indoor Alcohol Sales and Consumption Area: First floor of the building and the proposed outdoor patio area.

Outdoor Alcohol Consumption Area: The proposed outdoor patio will be enclosed with four (4) foot high removable fencing covering an area of approximately 25' x 14' (350 square feet) located under the existing canopy, adjacent to the southern wall of the building. The applicant stated that there may be acoustic music on the patio. The City Noise Ordinance must be adhered to at all times.

2010-2030 Comprehensive Plan: The 2010-2030 Future Land Use Map currently represents this area to be used for Central Business District uses. The proposed zoning classification is consistent with the City's Comprehensive Plan and is consistent with the purpose and intent of the CBD Central Business 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.

Purpose of CBD Central Business District

This district is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment and governmental uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

Surrounding Zoning Classification and Current Land Uses:

- North: Zoning: CBD, Central Business District
 Current Land Use – Retail
- South: Zoning: CBD, Central Business District
 Current Land Use – YMCA
- East: Zoning: CBD, Central Business District
 Current Land Use – YMCA & Retail
- West: Zoning: CBD, Central Business District
 Current Land Use – Retail

Technical Review Group Report (TRG): This item was discussed at the May 19, 2015 Technical Review Group meeting. The Health Department made the following comment: In order to comply with the guidelines of the smoke free indoor air ordinance, provide at least two completely open sides below the roof or, a minimum of fifty percent (50%) of the covered perimeter completely open, whichever results in greater open space and greater airflow and, provided nearby structures including, but not limited to, fences, walls and the like are located in such a way that the area maintains its character as an outdoor, open air facility enabling natural air flow to rapidly dissipate second hand smoke.

Finding of Fact: Prior to the granting of any special use permit, the Plan Commission may recommend and the Common Council may 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 23-66 (e) (1-6). 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 Special Use Permit #4-15 for a tavern 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. The applicant shall submit plans to the Community and Economic Development Department for the outdoor patio fencing for review and approval by staff prior to commencing outdoor alcohol sales and consumption.
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: Jim's Place

Years in operation: 18

Percentage of business derived from restaurant service: 0 %

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

ADD AN OUTDOOR PATIO APPROX. ~~10~~ 14' x 25'
FENCED IN LOCATED UNDER UPSTAIRS OVERHANG

Hours of Operation: 4 - Close Days of Operation: 6

Noise, crowd, parking lot control methods: WE DON'T USE LOUD
MUSIC, SO NOT AN ISSUE. DOOR/BOUNCER ON WEEKENDS

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.

Outdoor uses:

Location, type, size and design of outdoor facilities: APPROXIMATELY ~~10~~ 14' x 25'
~~LOCATED UNDER UPSTAIRS OVERHANG~~ W/ 4' FT FENCING, REMOVABLE

Type and height of screening: plantings/fencing/gating ~~4' SLAT~~ 4' SLAT FENCING

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

Hours of Operation: 4pm - close Days of Operation: MON - SAT

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

If yes, describe soundproofing measures: WILL HAVE ACOUSTIC ONLY
~~MEASURES~~

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

Outdoor lighting:

Type: string lights

Location: From overhang

Off-street parking:

Number of spaces provided 5.

Other Licensed Premises:

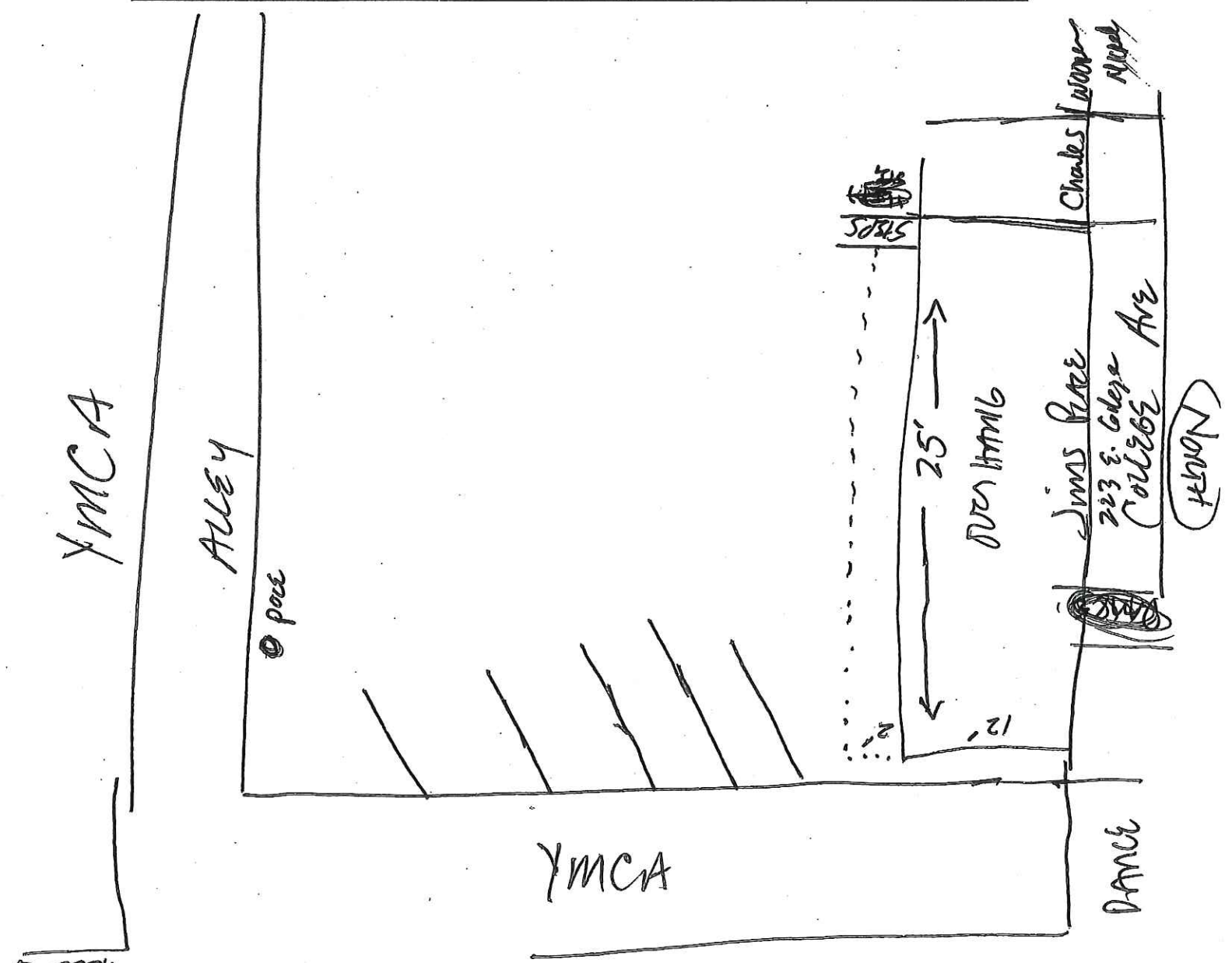
The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby taverns: WOODROW WHEEL, DR. JERKYS

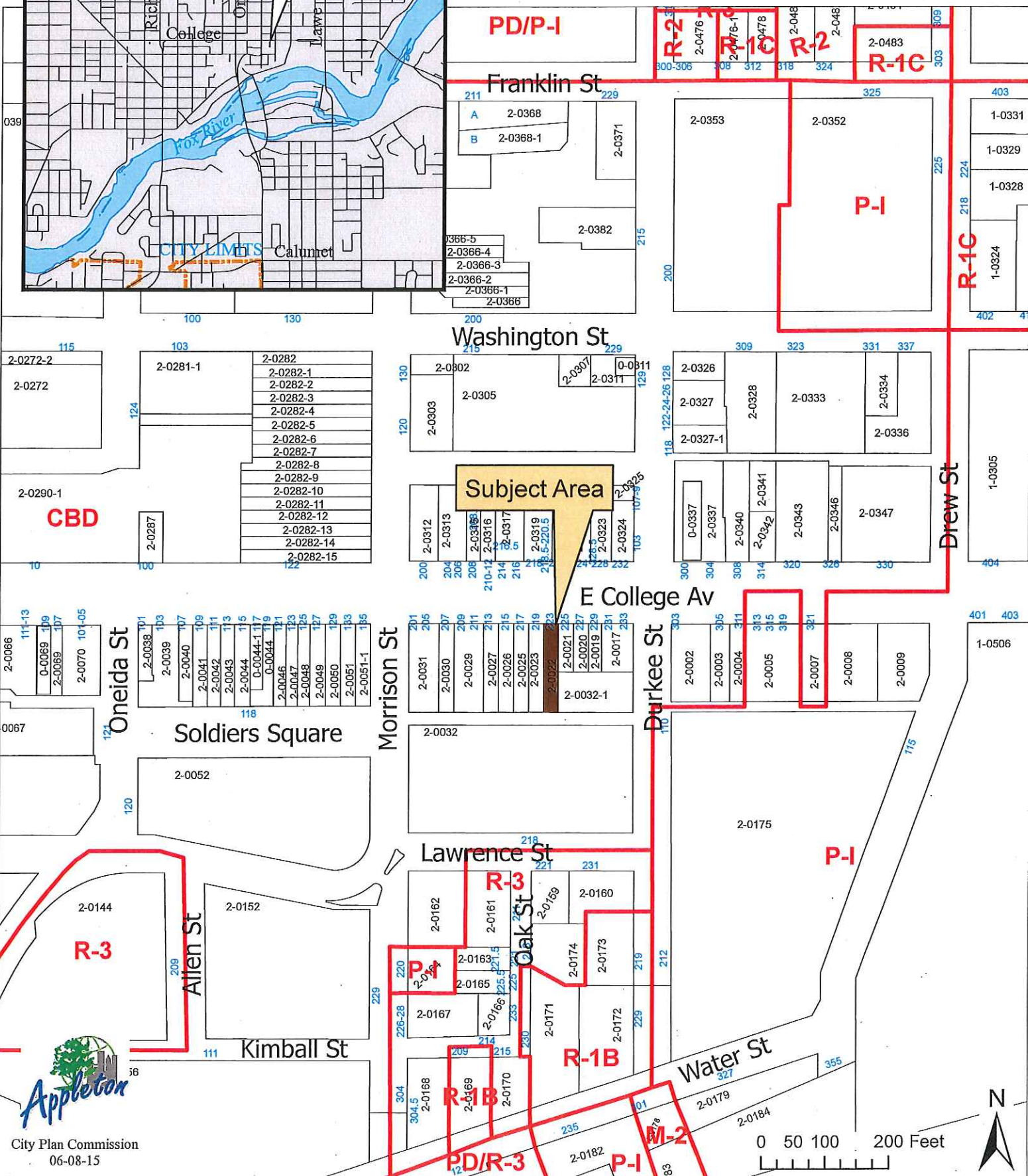
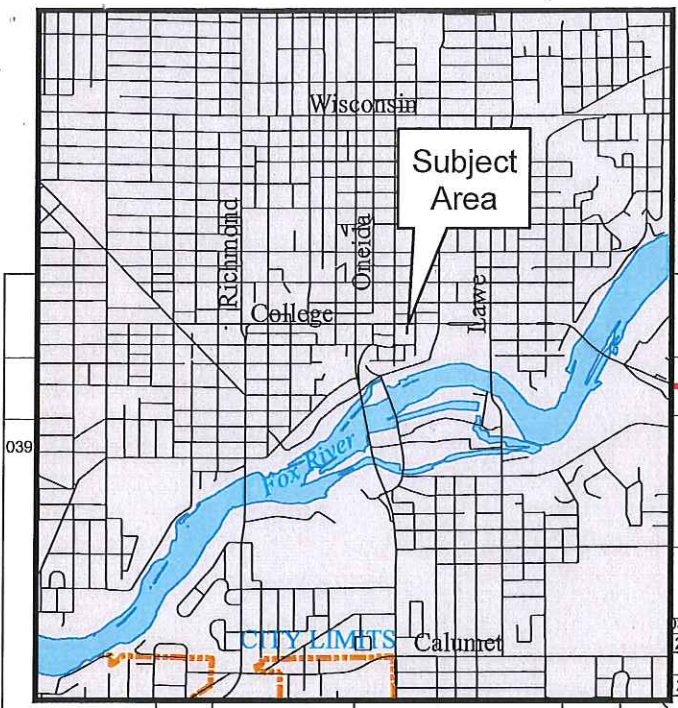
Amusement Devices:

Number of video games: _____ Pool Tables: 0

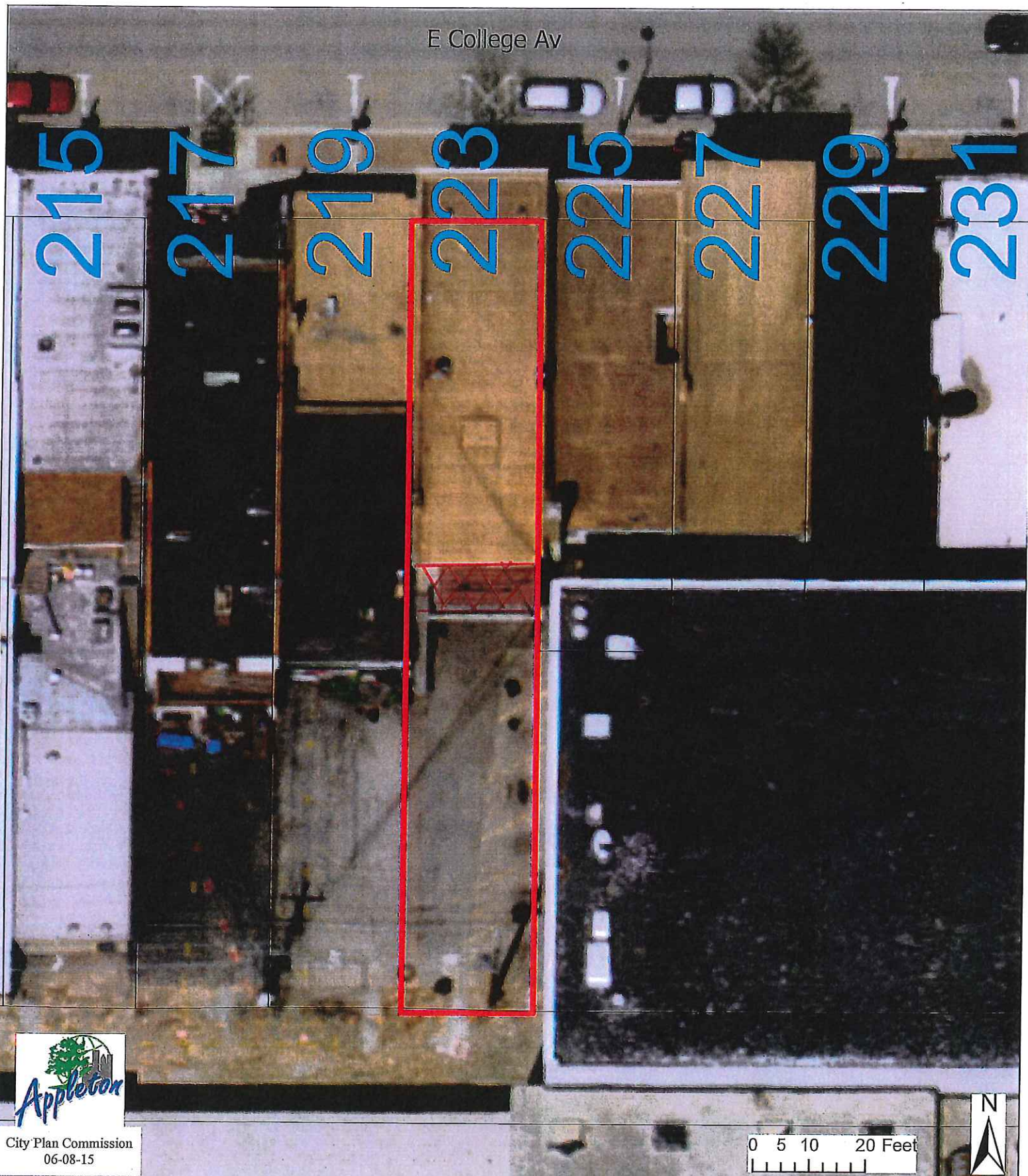
Other amusement devices: 2 DART BOARDS



223 East College Avenue
 Special Use Permit - Jim's Place
 Tavern and Outdoor Patio Area with Alcohol Sales
 Zoning Map



223 East College Avenue
Special Use Permit - Jim's Place
Tavern and Outdoor Patio Area with Alcohol Sales
Zoning Map



E College Av

215

217

219

223

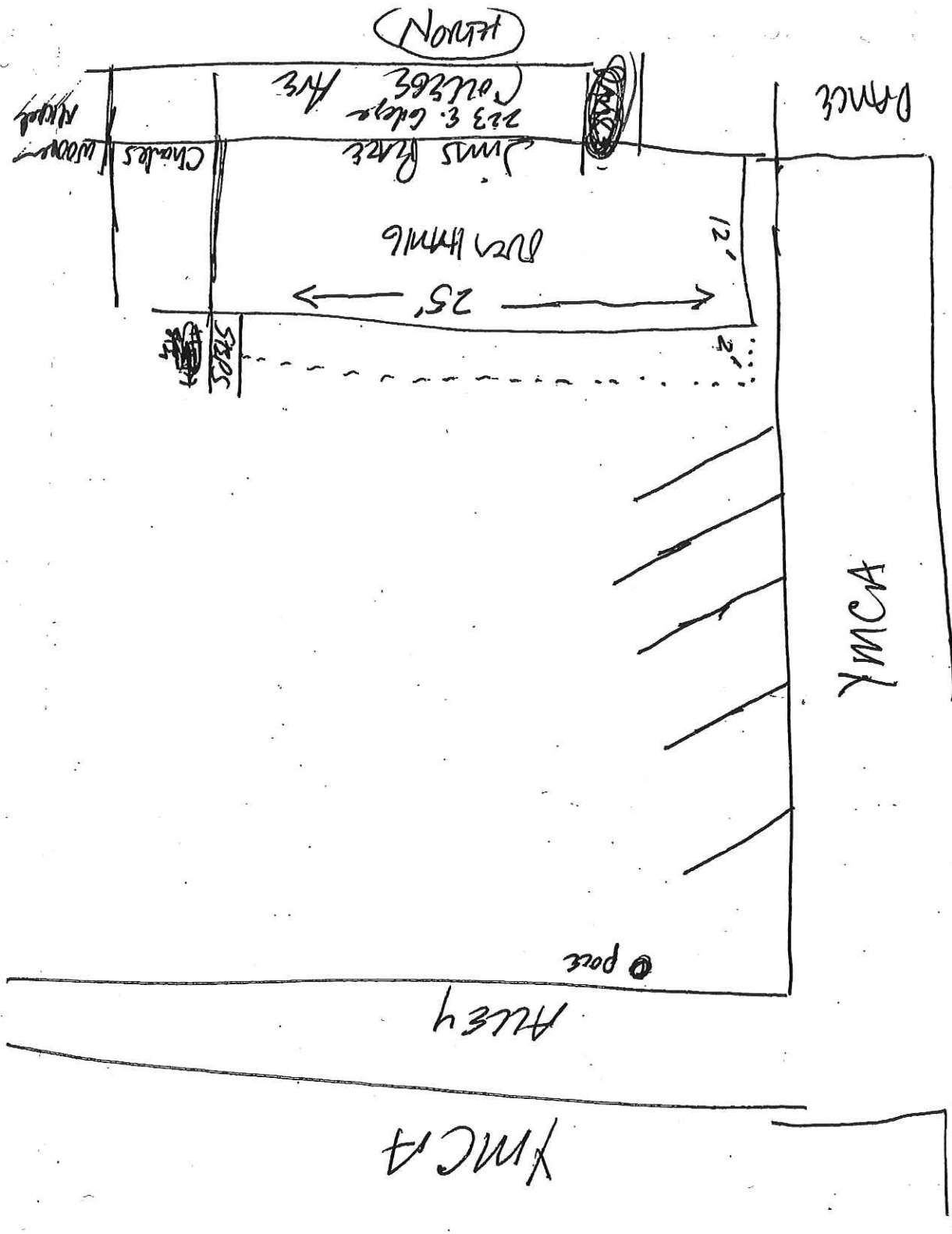
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