



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** May 9, 2016

**Common Council Meeting Date:** May 18, 2016

**Item:** Special Use Permit #1-16 for a microbrewery and bar with outdoor alcohol sales

**Case Manager:** David Kress

### GENERAL INFORMATION

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**Owner:** McFleshman's Commons, LLC

**Applicant:** Bobby Fleshman

**Address/Parcel #:** 115 South State Street (Tax Id #31-3-0986-00 and #31-3-0987-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for a microbrewery with on and off-premises sales and a bar with outdoor alcohol sales and service.

### BACKGROUND

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The subject area, located along South State Street between West College Avenue and West Lawrence Street, currently consists of a vacant building and lot. The applicant has yet to apply for a Liquor License, but intends to do so after action is taken on this Special Use Permit request.

A Certified Survey Map (CSM) was recently submitted to combine the subject parcels. CSMs are administratively reviewed and approved by City staff.

### STAFF ANALYSIS

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**Project Summary:** The applicant proposes to establish a microbrewery and bar with outdoor alcohol sales on the subject site. The proposed microbrewery's initial production capacity is anticipated at 15,500 gallons per year, with a future capacity of 84,000 gallons per year. The proposed microbrewery and bar would occupy nearly all of the first and second floors of the existing building, which is approximately 5,420 square feet in size. Based on the attached development plan, this request will not increase existing building area. An off-street loading area is proposed to the west of the building, with access provided by the adjacent alley. The applicant also proposes an outdoor beer garden, with alcohol sales and service, immediately south of the existing building.

**Existing Site Conditions:** Parcel #31-3-0986-00 is currently developed with an existing, vacant building. The building was constructed in 1920. Parcel #31-3-0987-00 is paved and has previously been used for off-street parking, with a curb cut on South State Street.

**Zoning Ordinance Requirements:** The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, a microbrewery and a bar require a Special Use Permit in the CBD District. The definition of microbrewery, per the Zoning Ordinance,

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means a use at which beer, fermented on the premises, is bottled and sold and where food may or may not be sold for eat in or carry out. The volume of production of such facility may not exceed one hundred thousand (100,000) gallons a year. The definition of bar, per the Zoning Ordinance, means a use, licensed by the City, to sell retail alcoholic beverages to be consumed on or off premises and which may provide dancing, entertainment, and food. The term tavern shall include bar, pub, nightclub, and cocktail lounge. In order to permit a microbrewery and bar, 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.

Based on the attached development plan, the proposed outdoor beer garden is shown on parcel #31-3-0987-00. Per Section 23-43(d)(5) of the Municipal Code, accessory uses, buildings and/or structures shall be located on the same lot as the principal use, structure or building. Therefore, a lot combination is needed before the outdoor beer garden could be established, because it would need to be on the same lot as the principal use or building (microbrewery and bar). CSM #6-16 is currently going through the administrative review process.

**Operational Information:** A plan of operation 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 generally commercial in nature.

North: CBD Central Business District. The adjacent land uses to the north are currently a mix of commercial uses, including a microbrewery (Appleton Beer Factory).

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

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.

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Central Business District use 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*.

### *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 brings good jobs to the area and supports the vitality of its industrial areas, downtown, and neighborhood business districts.*

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### *OBJECTIVE 7.1 Utilities & Community Facilities:*

*Provide a pattern of development that minimizes impacts to municipal services and utilities.*

### *OBJECTIVE 9.3 Economic Development:*

*Ensure the continued vitality of downtown and the City's neighborhood commercial districts.*

### *Chapter 14 Downtown Plan, Initiative 4 Business and Office Development:*

*Strategy 4.5 – Encourage entrepreneurial business development in the downtown.*

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

**Technical Review Group (TRG) Report:** This item was discussed at the April 19, 2016 Technical Review Group meeting.

- Health Department Comments: The microbrewery will require a Health Department Public Eating and Drinking (Tavern) permit to operate. The operator will need to provide the Environmental Health Supervisor with a set of building plans for review to ensure they meet the Health code requirements.

**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 #1-16 for a microbrewery and bar with outdoor alcohol sales at 115 South State Street (Tax Id #31-3-0986-00 and #31-3-0987-00), as shown on the attached maps and per attached plan of operation, **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 apply for and receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premises.
3. The microbrewery will require a Health Department Public Eating and Drinking (Tavern) permit to operate. The operator will need to provide the Environmental Health Supervisor with a set of building plans for review to ensure they meet the Health code requirements.
4. Any deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

**Special Use Permit #1-16**

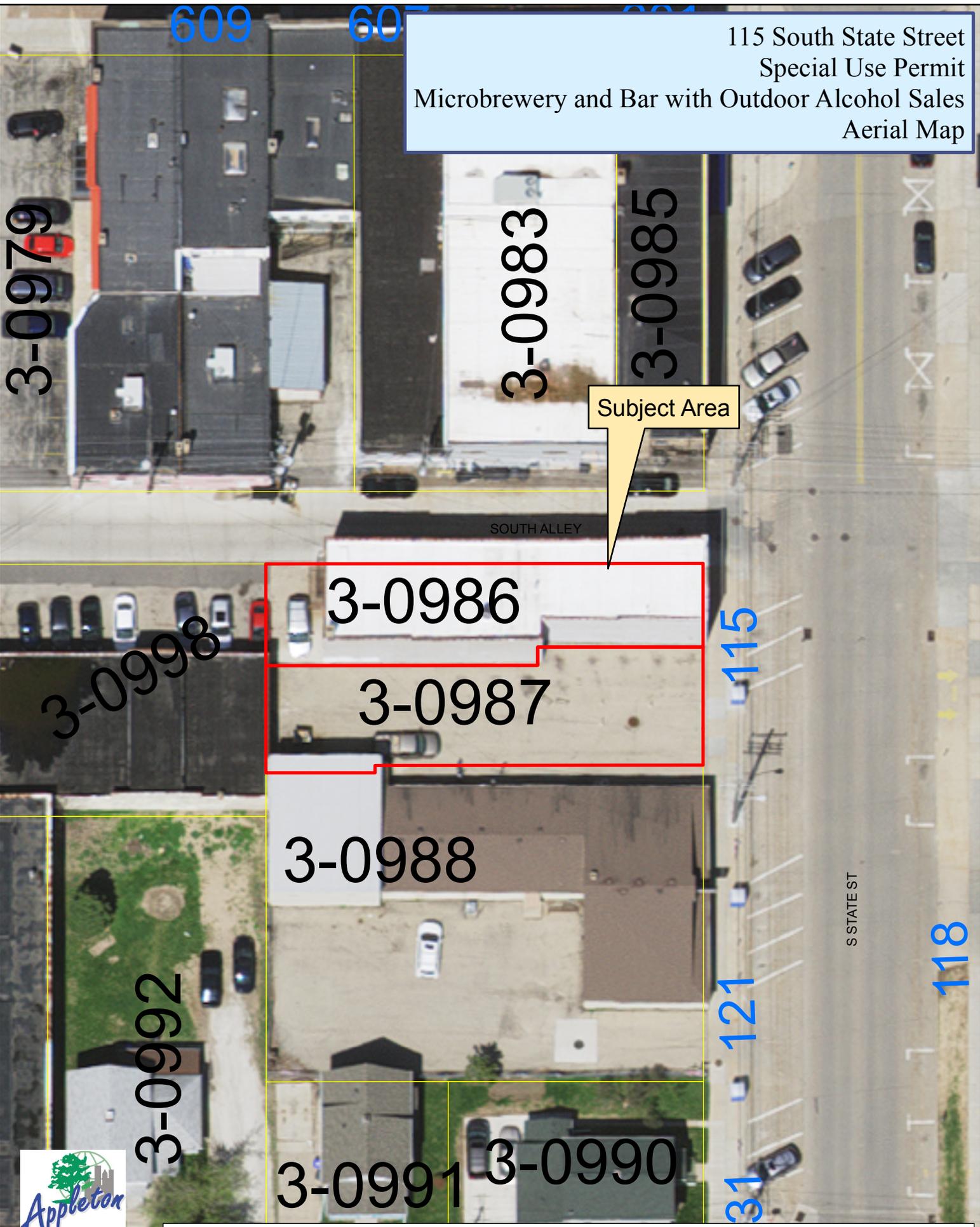
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5. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
6. Prior to establishing the outdoor beer garden on what is currently parcel #31-3-0987-00, the subject parcels shall be combined via Certified Survey Map.
7. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.



115 South State Street  
Special Use Permit  
Microbrewery and Bar with Outdoor Alcohol Sales  
Aerial Map



Subject Area

SOUTH ALLEY

S STATE ST



City Plan Commission  
05-09-2016



N 89°56'37" E 120.22'

N 00°01'16" W 57.44'

Loading area

28.00'

14.9'

BUILDING CORNER IS 0.3' SOUTH OF PROPERTY LINE

BUILDING CORNER IS 0.3' SOUTH OF PROPERTY LINE

BUILDING CORNER IS 0.2' SOUTH OF PROPERTY LINE

BUILDING CORNER IS 0.4' NORTH AND 0.2' EAST OF PROPERTY LINE

BUILDING CORNER IS ON PROPERTY LINE

S89°56'37"W 74.71'

EXISTING BUILDING AREA 6,724 SQ.FT.

S89°56'37"W 45.50'

Beer garden 22.44'

BUILDING CORNER IS 0.2' NORTH AND 0.1' EAST OF PROPERTY LINE

45.50'

S89°56'37"W 30.00'

S 89°56'37" W 90.20'

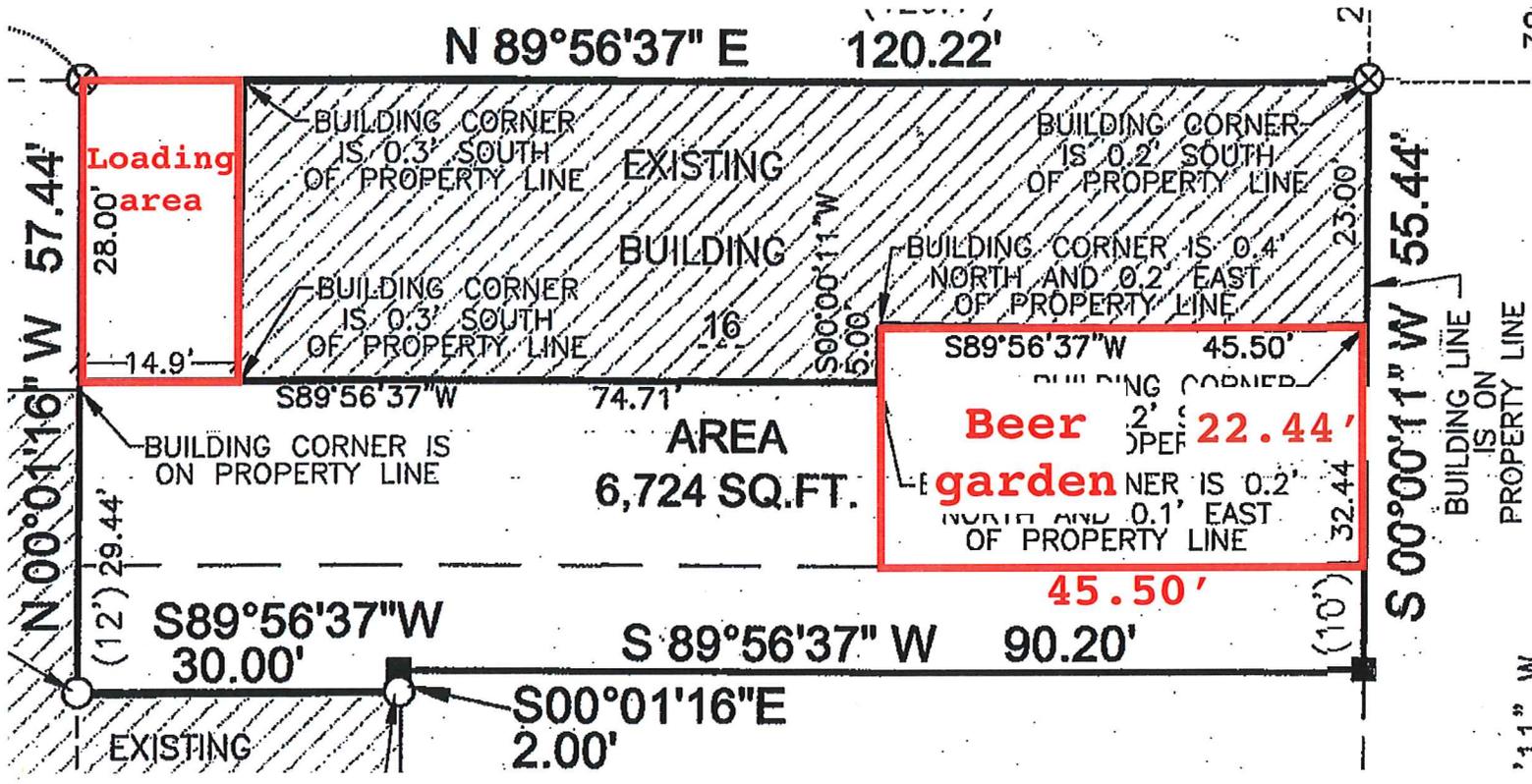
S00°01'16"E 2.00'

EXISTING

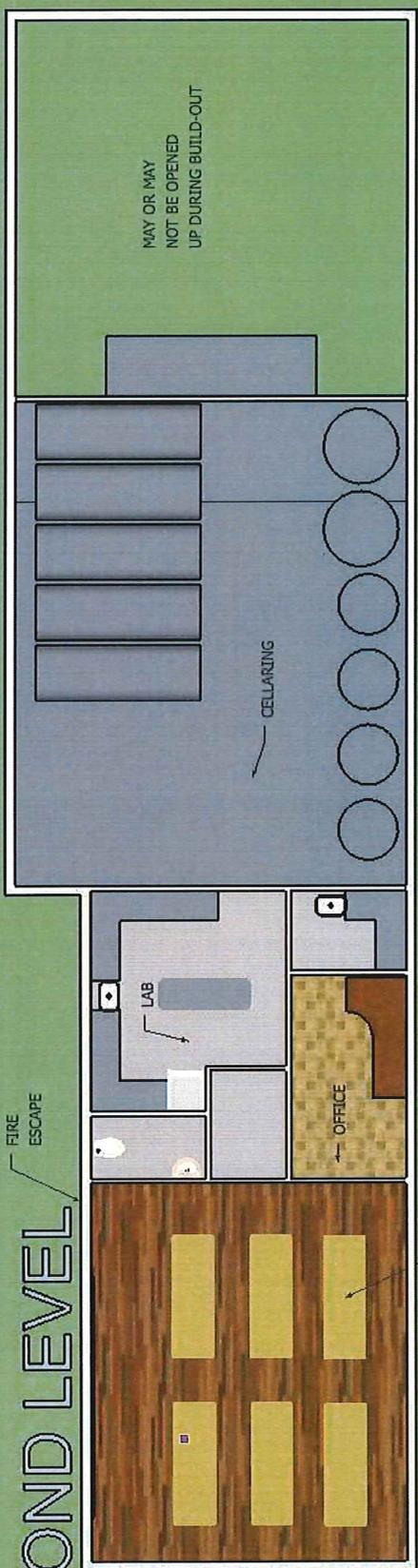
S 00°00'11" W 55.44'

BUILDING LINE IS ON PROPERTY LINE

11" W

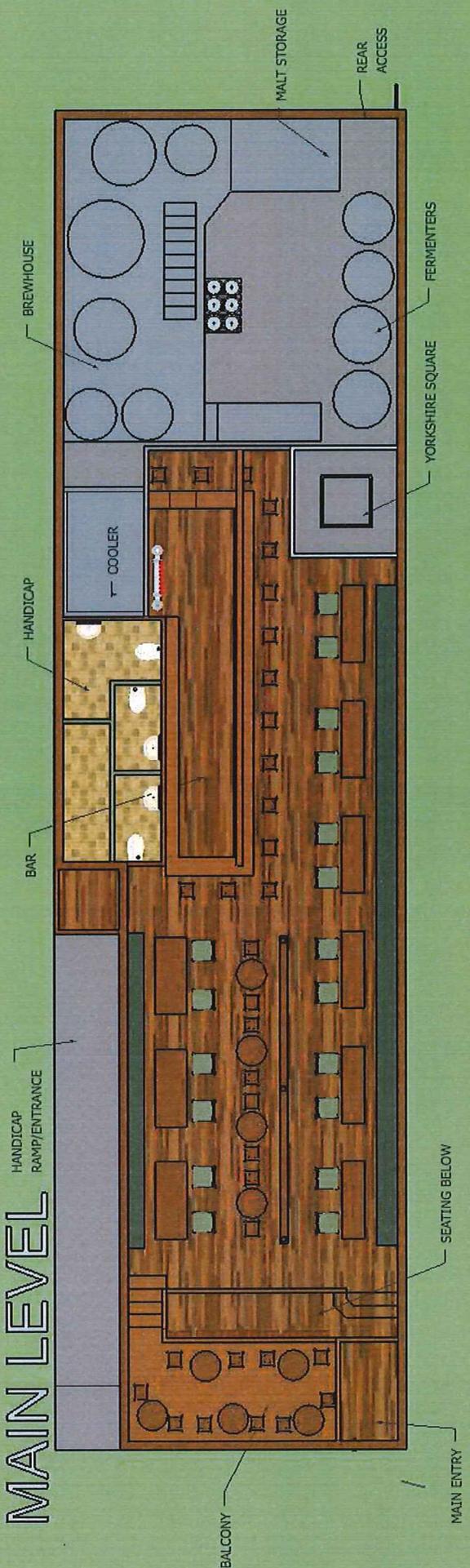


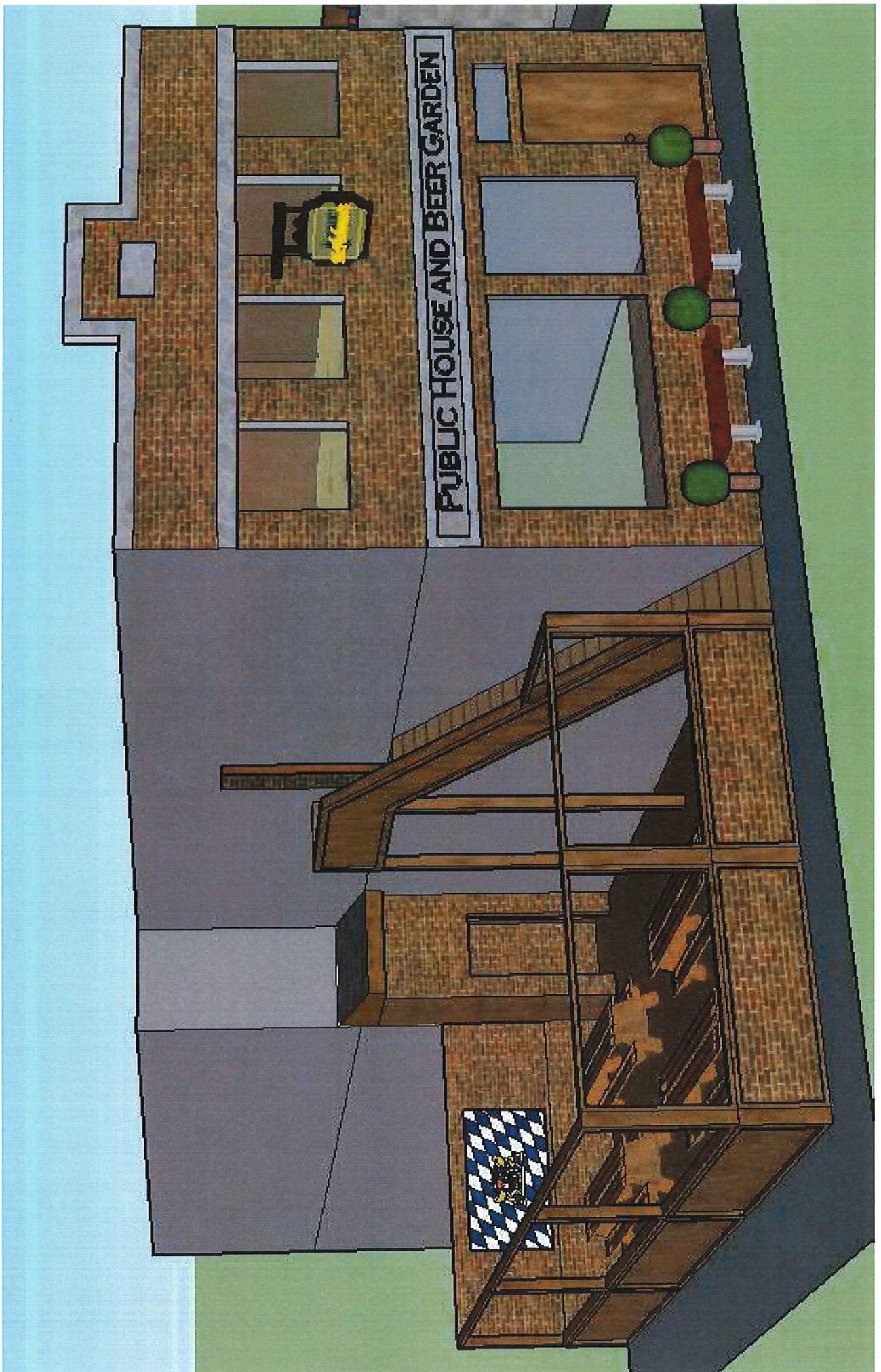
# SECOND LEVEL



SCHOOL

# MAIN LEVEL





**PLAN OF OPERATION AND LOCATIONAL INFORMATION  
MICROBREWERY**

**Business information:**

Name of Business: McFleshman's Commons, LLC.

Years in operation: 0, Start-Up

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

We are planning to open a microbrewery at the above location. We will operate a tasting room serving beer only. Food will be carried in from nearby restaurants and food trucks parked on site. Growlers for off-premise consumption will expand sales beyond the tasting room. Future self distribution is planned to begin at month 18, culminating in an expansion during years 3 and 4 to meet expected demand.

Are there plans for a tasting/tap room? Yes X No \_\_\_\_\_

If applicable, percentage of business derived from the sale of alcohol for on-site consumption in the tasting/tap room: 100 % \*100% year 1, decreasing to 50% with distribution by year 5

Hours of Operation: \_\_\_\_\_ Days of Operation: 7 days per week

3p-9p M-Th, 3p-midnight F, noon-midnight Sat, noon-6p Sun

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: ?  persons. \*unknown at this time. Plan is for fire suppression to allow 7 sq ft per customer. 1260 sq ft = 180 customer indoors.

Current production of fermented malt beverages: 0 gallons per year.

Proposed production of fermented malt beverages: 15,500 gallons per year. (500 BBL/yr)  
\*this # is initially, with a maximum of capacity of 84,000 (2700 BBL/yr) gallons per year

Identify location of grain storage and type of storage container(s) used: \_\_\_\_\_

2nd floor on steel/concrete mezzanine in supplier sacks/containers

Identify location of spent or used grain storage and type of storage container(s) used: \_\_\_\_\_

Exterior of west side; food grade, plastic 55 gallon barrels

**Outdoor uses:**

Location, type, size and design of outdoor facilities: \_\_\_\_\_

proposed - 22ft x 45 ft for beer garden/ deck on West side of South parcel

(see attached sketch) constructing a hops

Type and height of screening: plantings/fencing/gating trellis for shading

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

3p-9p M-Th, 3p-midnight F, noon-

Hours of Operation: midnight Sat, noon-6p Sun Days of Operation: 7 days per week

\*the hours and days of operation for the outdoor use is weather provided with seasonal considerations

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

If yes, describe soundproofing measures: \_\_\_\_\_

surrounded on three sides with our property on the north, a warehouse on the west, and a bicycle shop on the south (both closed during most of our operating hours); the hops trellis will also mitigate some of the sound and our location is 2 blocks from residential neighborhoods

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

**Outdoor lighting:**

4 downward facing lamps

Type: on the east and 4 down fire facades on the south

Location: overlooking State Street and the beer garden, respectively

**Off-street parking:**

Number of parking spaces provided 0.

**Off-street loading:**

Number of loading spaces or loading docks provided 1 loading space

**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, restaurants or microbrewers Mr. Taco,  
Appleton Beer Factory, Mai's Deli, and Muncheez Pizza

**Amusement Devices:**

Number of video games: 0 Pool Tables: 0

Other amusement devices: none

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