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## **LEGAL SERVICES DEPARTMENT**

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**TO:** Ald. Katie Van Zeeland, Chair of Safety & Licensing Committee  
Members of the Safety & Licensing Committee

**FROM:** Nicholas J. Vande Castle, Assistant City Attorney

**DATE:** January 25, 2022

**RE:** Alcohol License Application Review Process

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This memo is written in response to the Safety and Licensing Chair's request for clarification related to liquor and beer license application process.

At the outset, it is important to understand that only two situations require a retail license: the first whenever there is a direct or indirect charge for alcohol; the second is when alcohol beverages are consumed in a public place. Approval of a license application grants the applicant the right to sell the specified alcohol at the location described in the application.

When considering a *new* alcohol beverage license, the Safety and Licensing Committee ("S&L") should consider implications for the public health, safety, and welfare of the community. Possible considerations for denial could include: (1) adverse impact on traffic; (2) adverse impact on the peace, quiet and cleanliness of the neighborhood where the establishment is located; (3) insufficient parking for patrons; (4) proximity to other licensed establishments, residential areas, schools, churches, or hospitals; (5) ability or inability of the police to provide law enforcement services to the new establishment and the impact of the new establishment on the ability of the police to provide law enforcement services to the balance of the community at all times. S&L may either approve or deny a new application. If a denial is recommended, the committee must articulate specific reasons for the denial.

The City Plan Commission ("Plan") may review an application for a special use permit associated with the same entity dependent upon the zoning of the property. If the applicant for a special use permit meets or agrees to meet all of the requirements and conditions specified in the Municipal Code or those imposed by Plan and/or Common Council, the City shall grant the special use permit. Any condition imposed must be related to the purpose of the Code and based on substantial evidence. The conditions that are placed on the special use, including approval by all city departments, must be met before the special use permit is granted. The approval of a permit allows for the service of alcohol at the location. Standards for granting special use permits are set forth in Sec. 23-66(e) of the Code as well as attached to this memorandum.

CL: A19-1099

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## FINDINGS OF FACT

**Section 23-66 (e) Standards for granting special use permits.** No special use permit shall be recommended by the Plan Commission, or approved by the Common Council, unless all of the following standards are found in the affirmative:

- (1) **Proper Zoning District.** The proposed special use is designated by this Chapter as a possible special use in the zoning district in which the property in question is located.
- (2) **District Regulations.** The proposed special use will comply with all applicable development standards in the zoning district in which the property in question is located.
- (3) **Special Regulations.** The proposed use will comply with all special regulations established by this chapter for such special use.
- (4) **Comprehensive Plan or other Plans.** The proposed special use is consistent with the Comprehensive Plan or other plan officially adopted by Common Council.
- (5) **Traffic.** Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) **Landscaping and screening.** Appropriate landscaping and screening has been or will be provided to protect adjacent uses or properties from light, noise and other visual impacts that are associated with the proposed special use as established in §23-172(g), Perimeter parking lot and loading space landscaping and §23-601, Landscaping and screening standards.
- (7) **Neighborhood compatibility.** The proposed use is compatible with the predominant or prevailing land use of the neighborhood surrounding the proposed development. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height of buildings, walls and fences, landscaping, screening, and exterior lighting.
- (8) **Impact on Services.** The proposed special use will not substantially increase congestion in the public streets; will not place an undue burden on any other public utilities; or will not increase the danger of fire or endanger the public health or safety.