



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: August 11, 2014

Common Council Meeting Date: No formal action required.

Item: Minor Amendment to Special Use Permit #7-12 for a sidewalk café with alcohol sales, service and consumption within the College Avenue amenity strip.

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Das Ventures Holdings, LLC - property owner; Jeff Fogle - applicant

Address/Parcel #: 603 West College Avenue/31-3-0982-00 and 31-3-0983-00

Petitioner's Request: The applicant is requesting a Minor Amendment to Special Use Permit #7-12 for a sidewalk café with alcohol sales, service and consumption within the College Avenue amenity strip located directly in front of the Appleton Beer Factory. The size of the sidewalk café is approximately 240 square feet in area.

BACKGROUND

A Street Occupancy Permit for the placement of tables and chairs within the beautification strip was approved by the Municipal Services Committee on July 8, 2014.

Special Use Permit #7-12 was approved for a microbrewery and bar at this location by the Plan Commission on September 10, 2012, and approved by the Common Council on September 19, 2012 subject to the following:

1. The serving and consumption of alcohol is limited to the 1st floor of the brewery as shown on the Development Plan. Any future expansions for the serving and/or consumption of alcohol will require a new Special Use Permit application to be applied for and approved.
 - *On-going condition*
2. The brewing of beer is limited to the areas shown on the Development Plan. Any future expansions for the brewing of beer will require a new Special Use Permit application to be applied for and approved.
 - *On-going condition*
3. The applicant shall apply for and receive approval of a Liquor License from the City Clerk.
 - *On-going condition. The applicant currently holds a Reserve Class "B" Beer/Liquor license which allows alcoholic beverages to be sold and consumed on the premises.*

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4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.
 - *On-going condition*
5. All applicable City of Appleton and State of Wisconsin Licensing, Health, Building and Fire Codes must be met, and all necessary inspections must be conducted prior to issuance of an Occupancy Permit.
 - *On-going condition*

STAFF ANALYSIS

Existing Site Conditions: The property is developed with a microbrewery and bar that currently holds a Reserve Class "B" Beer/ Liquor license which allows alcoholic beverages to be sold and consumed on the premises.

Operational Information for the Restaurant: An operational plan is attached to the Staff Report. The proposed sidewalk café area is shown on the Development Plan. The hours of operation for serving alcoholic beverages in the sidewalk café area shall follow the restrictions identified in the Sidewalk Café Ordinance, as identified below:

- 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 area by 9:30 p.m.

Surrounding zoning and land uses:

North: CBD Central Business District – Retail and Restaurant

South: CBD Central Business District – Retail

West: CBD Central Business District – Retail and Personal Services

East: CBD Central Business District – Tavern and Restaurant

2010-2030 Comprehensive Plan: The Community Development staff have reviewed the City's 2010-2030 Comprehensive Plan which indicates this area is appropriate for commercial uses as part of the Central Business District.

Overall Community Goals

- **9.3. Objective: Ensure the continued vitality of downtown and the City's neighborhood commercial districts.** (Chapter 9- Economic Development)

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- **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.

Ordinance Requirements:

This item has been referred to the Plan Commission per Section 23-66(g) of the Zoning Ordinance, which states:

(1) *Minor change.* Minor changes shall be submitted to and reviewed by the Plan Commission. Minor changes include:

- a. Expansions of special uses of less than ten (10) percent.

The proposed sidewalk café constitutes an approximate 3 percent expansion. The proposed sidewalk café expansion will be less than ten (10) percent of the currently approved area within the building for alcohol sales and consumption.

- b. Other changes which keep with the general intent and character of the Special Use Permit previously issued.

The use of the premise and beautification will continue to be a microbrewery and bar. This minor amendment request is consistent with the general intent and character of Special Use Permit #7-12.

Note: Minor amendments to existing Special Use Permits do not require Common Council action.

Finding of Fact: 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 Minor Amendment to Special Use Permit #7-12, for a sidewalk café with alcohol sales, service and consumption within the College Avenue amenity strip adjacent to 603 West College Avenue, as shown on the attached map and per attached plan of operation, **BE APPROVED** subject to the following original conditions:

1. The serving and consumption of alcohol is limited to the 1st floor of the brewery as shown on the Development Plan. Any future expansions for the serving and/or consumption of alcohol will require a new Special Use Permit application to be applied for and approved.
2. The brewing of beer is limited to the areas shown on the Development Plan. Any future expansions for the brewing of beer will require a new Special Use Permit application to be applied for and approved.

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3. The applicant shall apply for and receive approval of a Liquor License from the City Clerk.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.
5. All applicable City of Appleton and State of Wisconsin Licensing, Health, Building and Fire Codes must be met, and all necessary inspections must be conducted prior to issuance of an Occupancy Permit.

**TAVERN AND/OR RESTAURANT WITH ALCOHOL SALES
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

Business information:

Name of Business: Appleton Beer Factory

Years in operation: 1

Percentage of business derived from restaurant service: 55 %

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

Same existing business with addition
of sidewalk cafe

Hours of Operation: 11 AM to Midnight Days of Operation: Sunday thru Saturday

Noise, crowd, parking lot control methods: Staff to monitor &
control accordingly

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: 150 persons.

Outdoor uses:

Location, type, size and design of outdoor facilities: 9' x 48' = ± 240 s.f.

Type and height of screening: plantings/fencing/gating None / side walk only

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

Hours of Operation: 11 AM To 9:30 PM Days of Operation: Sunday thru Saturday
Per current sidewalk cafe ordinance.

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

If yes, describe soundproofing measures: _____

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

Outdoor lighting:

Type: None

Location: _____

Off-street parking:

Number of spaces provided NA.

Other Licensed Premises:

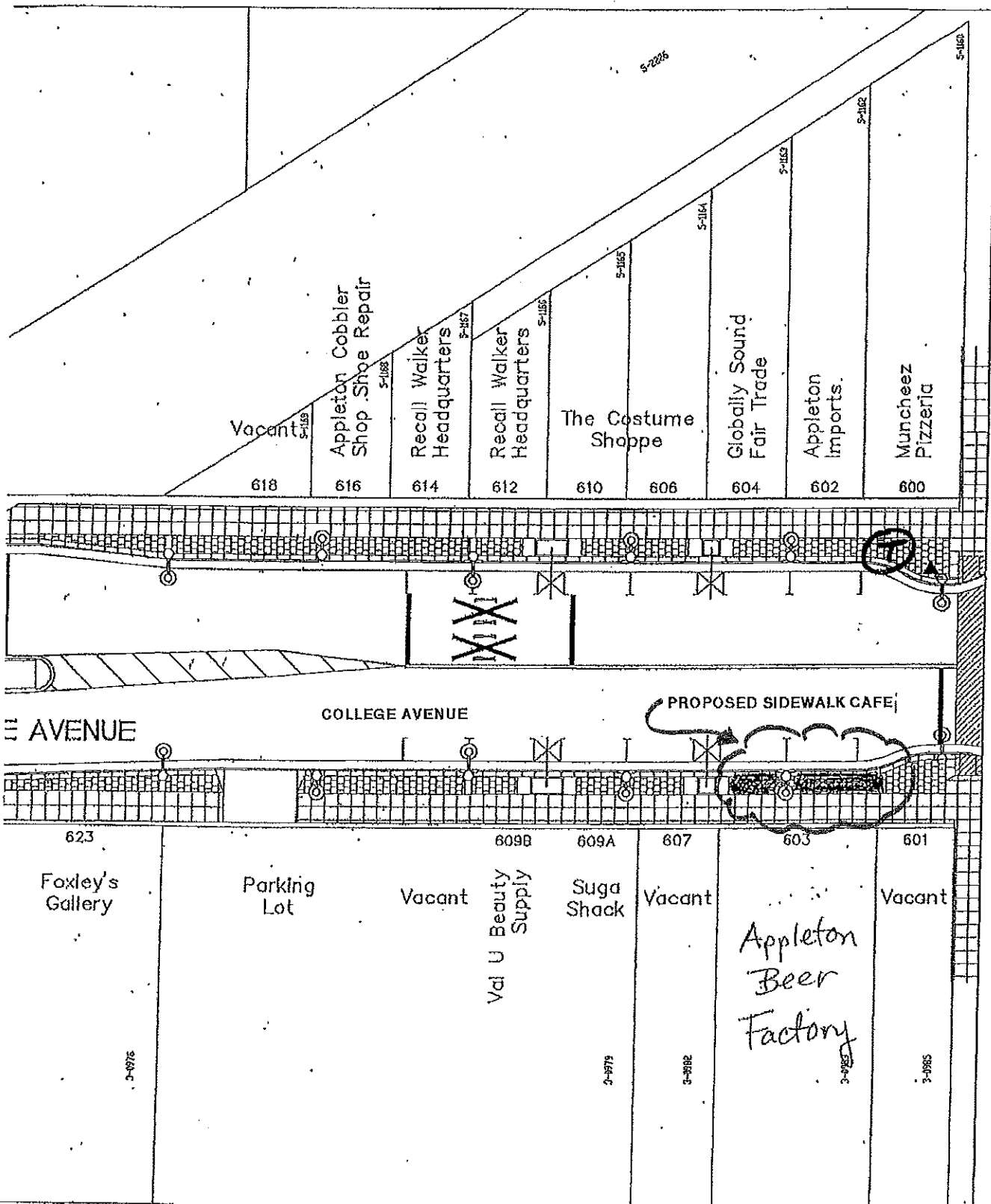
The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby taverns: On West 1600 Block - Manchie's
Pizza & Mia's Deli

Amusement Devices:

Number of video games: 0 Pool Tables: 0

Other amusement devices: 0



ND RT + BOARD CHAIRS	SCALE 1"=40'	College Avenue Streetscape	1
	FROM: 50' W/O Richmond St.		