



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: June 12, 2018

Common Council Meeting Date: June 20, 2018

Item: Special Use Permit #4-18 to conform and expand an existing tavern with an outdoor patio area with alcohol sales and consumption

Case Manager: Don Harp

GENERAL INFORMATION

Owner: James Strunc c/o Hollyann Strunc

Applicant: Missfits Tavern, Hollyann Strunc

Address/Parcel #: 317 North Appleton Street (Tax Id #31-2-0493-00)

Petitioner's Request: The applicant is requesting a Special Use Permit to conform and expand an existing tavern with an outdoor patio area with alcohol sales and consumption.

BACKGROUND

On June 6, 2018, the Common Council approved the Liquor License Premise Description Amendment for alcohol consumption within the outdoor patio area located on the south side of the existing building.

STAFF ANALYSIS

Existing Site Conditions: The site consists of the existing tavern and surface parking lot.

Zoning Ordinance Requirements: In order to obtain a Special Use Permit to conform an existing bar and add a new outdoor patio with alcohol sales and consumption, the City Plan Commission makes a recommendation to the Common Council which makes the final decision on whether to approve, approve with conditions or deny the request. The Special Use Permit will conform the existing bar 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 10:00 a.m.-2:00 a.m., Sunday-Thursday, and from 10:00 a.m.-2:30 a.m. on Friday and Saturday for the indoor space. The business hours that the patio will be open are the same as the indoor business hours. The tavern capacity is 91 persons. The building capacity will not be increased with the addition of the outdoor patio area.

Indoor Alcohol Sales and Consumption Area: The existing first floor of the building.

Outdoor Alcohol Consumption Area: The proposed outdoor patio will be approximately 12' x 32' (384 square feet), enclosed with a four (4) foot high fence enclosing an area located adjacent to the southern wall of the building. The City Noise Ordinance must be adhered to at all times.

Special Use Permit #4-18
June 12, 2018
Page 2

Zoning Ordinance Requirements: The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, bars with alcohol sales and service require a Special Use Permit in the CBD District. 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.

Operational Information: A plan of operation for this use 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 use to the south is currently a surface parking lot.

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

West: CBD Central Business District. The adjacent land use to the west is currently a surface parking lot.

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*.

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.

Special Use Permit #4-18
June 12, 2018
Page 3

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) and (h)(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 plan of operation does not appear to be incompatible with the neighborhood character, purpose and intent of the Zoning Ordinance and Central Business District or the *Comprehensive Plan 2010-2030*. 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 May 22, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

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 #4-18 to conform and expand an existing tavern with an outdoor patio area with alcohol sales and consumption located at 317 North Appleton Street, 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 use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code. The applicant shall receive approval of a Liquor License amendment from the City Clerk prior to serving or consuming alcohol within the outdoor patio area.
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.

RESOLUTION

**CITY OF APPLETON
RESOLUTION APPROVING SPECIAL USE PERMIT #4-18**

WHEREAS, Hollyann Strunc, owner of Missfits Tavern, has applied for a Special Use Permit to conform and expand an existing tavern with an outdoor seating area with alcohol sales and consumption located at 317 North Appleton Street, also identified as Parcel Number 31-2-0493-00; and

WHEREAS, the location of the existing tavern and proposed outdoor seating area with alcohol sales and consumption is located in the CBD Central Business District and the existing tavern use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on June 12, 2018 on Special Use Permit #4-18 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 #4-18 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 #4-18 to conform and expand an existing tavern with an outdoor seating area with alcohol sales and consumption located at 317 N. Appleton Street, also identified as Parcel Number 31-2-0493-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #4-18

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 use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code. The applicant shall receive approval of a Liquor License amendment from the City Clerk prior to serving or consuming alcohol within the outdoor patio area.

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.

Adopted this _____ day of _____, 2018.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

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

Business Information:

Name of business: Missfits Tavern

Years in operation: 2

Percentage of business derived from restaurant service: 0 %

Type of proposed establishment (detailed explanation of business):

Small tavern serving alcoholic beverages to customers.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	10 AM	2 AM
Friday	10 AM	2:30 AM
Saturday	10 AM	2:30 AM
Sunday	10 AM	2 AM

Building Capacity and Area:

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: 91 persons

Gross floor area of the existing building(s): 1200 SQ FT

Gross floor area of the proposed building(s): -

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources:

LOW noise levels from constructing fence.
Once installed, back to normal.

Describe how the crowd noise will be controlled inside and outside the building:

It will be regulated by the bartender.

If off-street parking is available for the business, describe how noise from the parking lot will be controlled:

It will be regulated by the bartender.

Outdoor Uses:

Location, type, size and design of outdoor facilities:

Side of building, fenced in area w/ gate (12 x 32)

Type and height of screening of plantings/fencing/gating:

Cedar wood fence 4' tall w/ one gate.

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

Are there plans for outdoor music/entertainment? Yes No

If yes, describe how the noise will be controlled:

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

Proposed Hours of Operation for Outdoor Uses:

Day	From	To
Week Day	10 AM	2 AM
Friday	10 AM	2:30 AM
Saturday	10 AM	2:30 AM
Sunday	10 AM	2 AM

Outdoor Lighting:

Type: none

Location: -

Off-Street Parking:

Number of spaces existing: 15

Number of spaces proposed: -

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:

Mission Church across Appleton St

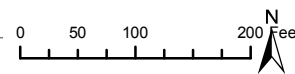
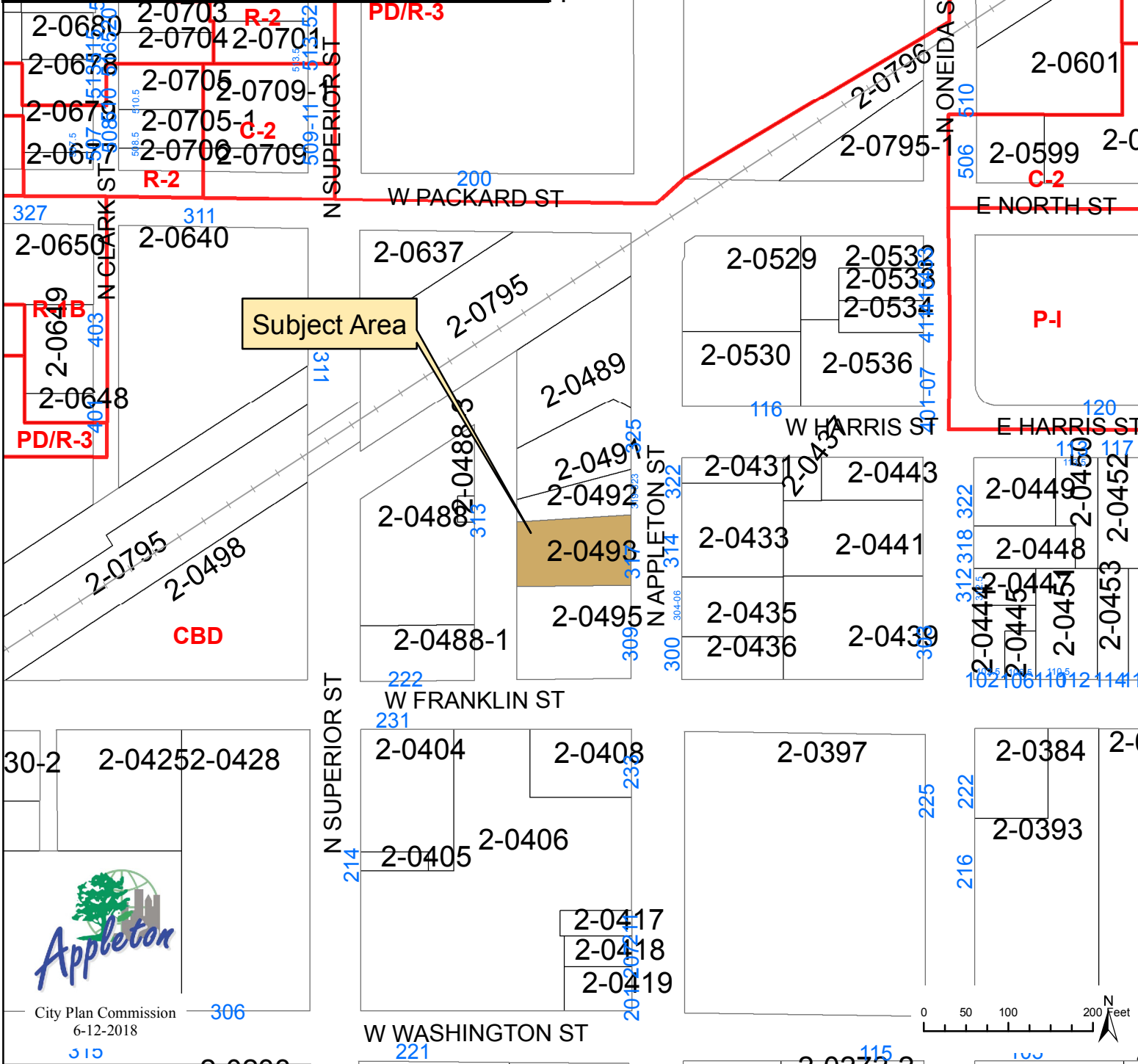
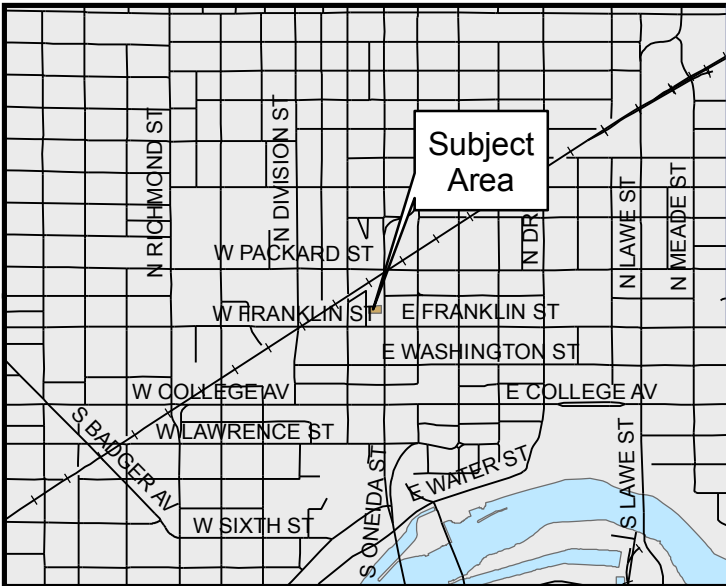
Number of Employees:

Number of existing employees: 3

Number of proposed employees: -

Number of employees scheduled to work on the largest shift: 2

317 N. Appleton Street
 Special Use Permit
 To conform and expand an existing tavern with
 an outdoor seating area
 Missfits Tavern
 Zoning Map



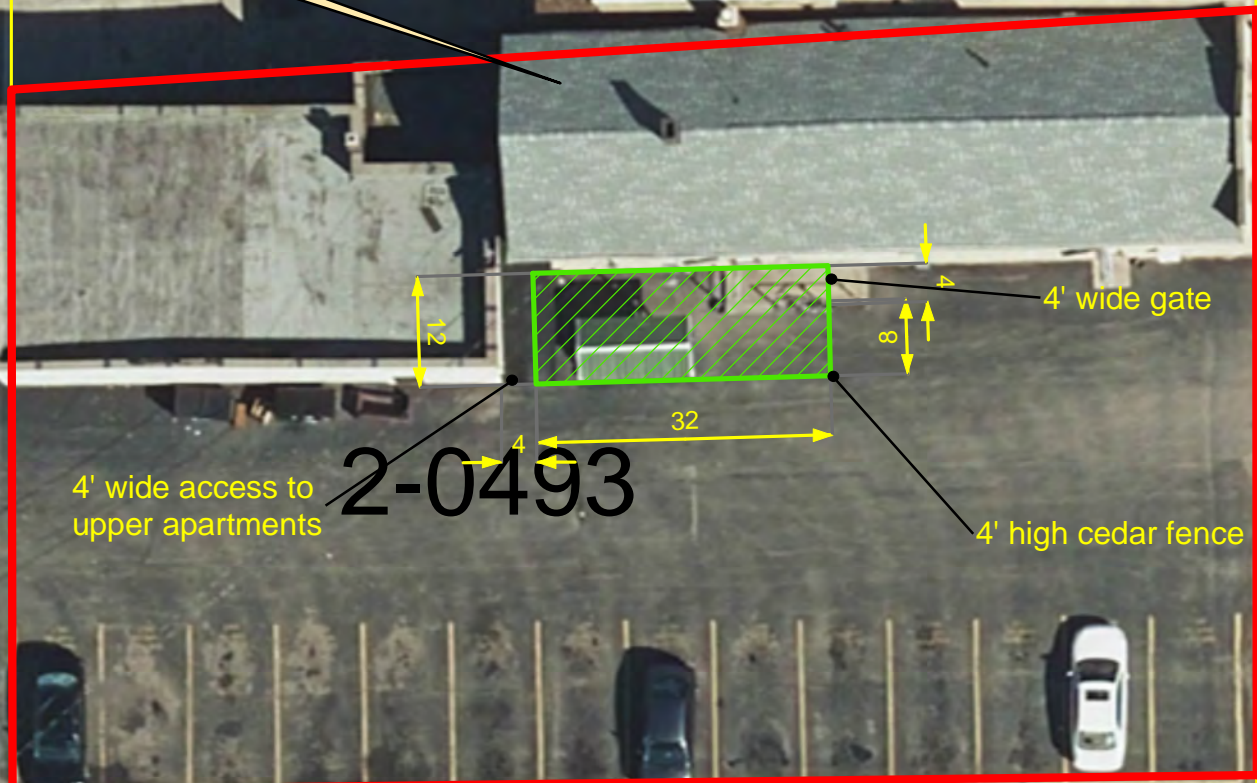
317 N. Appleton Street
Special Use Permit
Missfits Tavern
Aerial Map

To conform and expand an existing tavern with an outdoor seating area

Subject Area

313

N KALATA PL

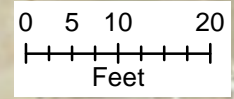


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N APPLETON ST



City Plan Commission
6-12-2018





Mi T Fence LLC
 W3206 Greiner Rd.
 Appleton, WI 54913
 920-731-6645
 MitFence.com
 Info@mitfence.com

PROPOSAL/CONTRACT

Page 1
 05/16/2018

Customer Information:

Missfits Tavern
 317 N Appleton St
 Appleton, WI 54911

Job Information:

Customer contact: 503-833-2380
 missfits317@gmail.com

Notes:

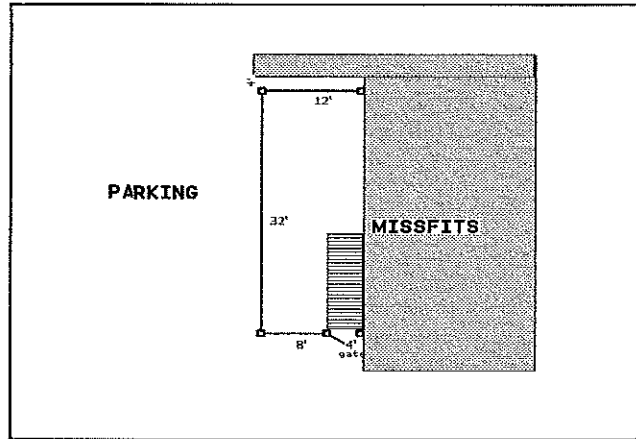
Furnish and install 56' of 4' high cedar fencing. Includes one 4' gate.

\$2292.42

All posts concreted

Alternate with driven posts. \$1964.66

- 2 3/8" X 8' SS20 PIPE POST
- 8' 2X4 CEDAR STRINGER
- 4' 1X6 DOG EAR CEDAR BOARD
- 2 3/8" DIE-CAST ALUMINUM DOME CAP
- END WOOD POST ADAPTER
- LINE WOOD POST ADAPTER
- 8d. GALVANIZED NAIL



Mi T Fence warrants to the original purchaser that all materials and labor will be free from defects that would affect the structural strength of the fence for a period of (3) years and Mi T Fence has the option to repair or replace any defective materials. An extended warranty period of (10) years on Materials Only is granted to the original purchaser. These products being All Red or White Cedar lumber. Other products will be covered by Manufacturers Limited Warranty. MI T FENCE IS NOT RESPONSIBLE FOR DAMAGE CAUSED BY NEGLIGENCE VANDALISM, WASHOUTS, FROST, NATURAL DISASTERS, ACT OF GOD, OR NATURAL AGING PROCESS OF LUMBER SUCH AS SPLITS AND WEATHER CHECKS UNLESS IT EFFECTS THE STRUCTURAL STRENGTH OF THE FENCE.

Mi T Fence LLC shall advise the customer as to local zoning regulations but responsibility for complying with said regulations and obtaining any required permits shall rest with the customer. Mi T Fence LLC will assist the customer, upon request, in determining where the fence is to be erected, but under no circumstance does Mi T Fence LLC assume any responsibility concerning property lines or in any way guarantee their accuracy. If property pins cannot be located it is recommended that the customer have the property surveyed.

MI T FENCE LLC WILL ASSUME THE RESPONSIBILITY FOR HAVING UNDERGROUND UTILITIES LOCATED AND MARKED.

However, Mi T Fence LLC assumes no responsibility for unmarked sprinkler lines, or any other unmarked buried lines or objects. The customer will assume all liability for any damage caused by directing Mi T Fence LLC to dig in the immediate vicinity of known utilities.

Additional charges for any extra work not covered in this

contract that was requested by the customer will also be added. The full amount of this contract along with any additional charges will become payable upon completion of all work whether or not it has been invoiced. CANCELLATION OF CONTRACT WILL RESULT IN A 25% PERCENT RESTOCKING FEE ON ANY SPECIAL ORDER MATERIALS.

COMPLETED FENCE PAYMENT SHALL BE MADE UPON COMPLETION UNLESS PREVIOUS PAYMENT ARRANGEMENTS WERE MADE PRIOR TO AND IN ADVANCE.

A FINANCE CHARGE of 1 1/2% per month (or a minimum of \$1.00), which is an annual percentage rate of 18%, shall be applied to accounts that are not paid within 10 days after completion of any work invoiced. All materials will remain the property of Mi T Fence LLC until all invoices pertaining to this job are paid in full. The customer agrees to pay all interest and any costs incurred in the collection of this debt.

Approved & Accepted for Customer:

 Customer Date

Accepted for Mi T Fence LLC:

 Mike Talbot Date

Contract Amount: \$ 2292.42

Down Payment: \$ 1145.00

Balance Due on Completion \$ 1147.42