



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: August 24, 2015

Common Council Meeting Date: No formal action required

Item: Minor Amendment to 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 Minor Amendment to Special Use Permit #4-15 to change the depth of the outside area from 14 feet to 30 feet to match the approved liquor license description.

BACKGROUND

Jim's Place tavern has operated at this location for the past 18 years. Special Use Permit #4-15 was approved for the tavern and an outdoor patio area with alcohol sales and consumption at this location by the Plan Commission on June 8, 2015, and approved by the Common Council on June 17, 2015 subject to the following:

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.

STAFF ANALYSIS

Existing Site Conditions: The property is developed with an existing tavern/outdoor patio area that currently holds a "Class B" Beer/Liquor License which allows alcoholic beverages to be sold and consumed on the premises.

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Operational Information for the Tavern/Outdoor Seating Area: An operational plan is attached to the staff report. The use of the property is shown on the Development Plan.

- The patio area will be defined with built-in planter boxes.

Surrounding Zoning and 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

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.

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 expansion of the outdoor patio area constitutes less than 10% expansion.

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

This minor amendment request is consistent with the general intent and character of Special Use Permit #4-15, as the subject site will continue to be used for a tavern and outdoor seating area with alcohol sales and consumption.

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 #4-15, for a tavern with an outdoor seating area with alcohol sales, service and consumption, as shown on the attached map and per attached plan of operation, **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 use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
3. 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. 25' x 30'
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/BARRIER 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 30' x 25'
~~LOCATED UNDER UPSTAIRS OVERHANG~~ w/ 9' FT FENCING, REMOVABLE
Type and height of screening: plantings/fencing/gating ~~4' SLAT FENCING~~

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

Hours of Operation: 4PM - CLOSE Days of Operation: MON - SAT

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

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

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

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: WOODEN NICKEL, DR JEXYCS

Amusement Devices:

Number of video games: _____ Pool Tables: 0

Other amusement devices: 2 DART BOARDS

223 East College Avenue
 Minor Amendment to Special Use Permit #4-15 - Jim's Place
 Tavern and Outdoor Patio Area with Alcohol Sales
 Zoning Map



