



APPLICATION FOR SPECIAL USE PERMIT

**On-Site Sales and Consumption and/or
Manufacturing of Liquor, Fermented Malt
Beverages, and Wine**

Community Development Department
 100 N. Appleton St. PH: 920-832-6468
 Appleton, WI 54911 FAX: 920-832-5994



PROPERTY OWNER		APPLICANT (owner's agent)	
Name		Name	
Mailing Address		Mailing Address	
Phone		Phone	
E-mail		E-mail	

PROPERTY INFORMATION		
Property Tax # (31-0-0000-00)		
Site Address/Location		
Current Zoning	Proposed Zoning	
Current Uses	Proposed Uses	
Lot Dimensions and Area	Existing Building/Tenant Space Gross Floor Area, including outdoor areas (square feet)	Proposed Building/Tenant Space Gross Floor Area, including outdoor areas (square feet)

DESCRIPTION OF THE PROPOSED USE FOR THIS PROPERTY

Date	Owner/Agent Signature (Agents must provide written proof of authorization)

OFFICE USE ONLY			
FILE # _____	Application Complete _____	____/____/____	Date Filed ____/____/____
Fee \$450.00	Acct #PWZNIG	Receipt # _____	Date Paid ____/____/____

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: _____

Years in operation: _____

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other _____

Detailed explanation of proposed business activities:

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) _____

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) _____

Occupancy Limits:

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.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

Production/Storage Information:

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: _____ U.S. gallons per year
- Proposed production of fermented malt beverages: _____ U.S. gallons per year
- Current production of wine: _____ U.S. gallons per year
- Proposed production of wine: _____ U.S. gallons per year
- Current production of intoxicating liquor: _____ proof gallons per year
- Proposed production of intoxicating liquor: _____ proof gallons per year
- None. If none, leave the following two storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

Outdoor Space Uses:

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other _____.
- None. If none, leave the following questions in this section blank.

Size: _____ square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

- Fencing Landscaping Other _____ Height _____ feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes ___ No ___

If yes, please describe:

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 Space:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

******Municipal Code Section 9-262(b)(4): 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 by 9:30 p.m.**

Describe Any Potential Noise Emanating From the Proposed Use:

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

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

Off-Street Parking:

Number of spaces existing on-site: _____

Number of spaces proposed on-site: _____

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

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:

Number of Employees:

Number of existing employees: _____

Number of proposed employees: _____

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

WHAT IS A SPECIAL USE PERMIT?

Special Uses are those uses having some uniqueness or unusual impact which require careful review of their location, design, and configuration to determine against fixed standards, the desirability of permitting their establishment at any given site. There are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the community and neighborhood impact and effect as well as consistency to the 2010-2030 Comprehensive Plan. Each zoning district has a list of uses requiring a Special Use Permit.

WHERE DO I START?

Contact the Community Development Department to discuss interest in a Special Use Permit. The staff will provide information regarding the 2010-2030 Comprehensive Plan, the criteria for evaluation, surrounding uses and possible nonconformities.

WHAT'S NEXT?

A complete submittal includes a completed application, plan of operation, a detailed development plan of the proposed development and the appropriate fee (check payable to the City of Appleton). The Community Development Department files the complete submittal with the City Clerk.

City departments make recommendations to the Plan Commission. The Plan Commission holds a Public Hearing to review staff comments and the Findings of Fact [Section 23-66 (e)] and makes its recommendations to the Common Council. A notice of the Public Hearing will be advertised in The Post-Crescent for two consecutive weeks prior to the Plan Commission meeting. Notice of the hearing is sent to the petitioner, Alderperson of the district, property owners within 100 feet of the proposed Special Use Permit lot and/or the Town Clerk. A recommendation to the Common Council is made within 45 days of the Public Hearing.

If a property owner or owner's designated agent for a special use permit, meets or agrees to meet all of the requirements and conditions specified in the City of Appleton Municipal Code or those imposed by the Plan Commission and/or Common Council, the City shall grant the special use permit. Any condition imposed must be related to the purpose of the City of Appleton Municipal Code and be based on substantial evidence.

The property owner or owner's designated agent must demonstrate that the application and all requirements and conditions established by the City relating to the special use are or shall be satisfied, both of which must be supported by substantial evidence. The City's decision to approve or deny the permit must be supported by substantial evidence.

Definition of Substantial Evidence. *“Substantial evidence”* means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a special use permit and that reasonable persons would accept in support of a conclusion.

The Common Council formally approves or denies the Special Use Permit within 45 days of the Plan Commission action. Two-thirds of the entire Common Council must vote in favor of the permit in order for it to be granted.

WHAT IS THE FINAL ACTION?

Common Council approval is the final action for a Special Use Permit (generally 6-8 week approval process).

NOTE: *A Special Use Permit shall expire if the use is discontinued for a period of 12 months. Also, the Common Council has the ability to revoke a Special Use Permit for failure to comply with the provisions of approval.*

DEVELOPMENT PLAN CHECKLIST

Development plan of property being proposed for a special use permit, which shall supply the information as identified below:

- a. North arrows, date of preparation, and scale on 8½" x 11" size paper.
- b. Name(s) of all adjacent or surrounding streets and right-of-way width(s).
- c. Recorded property lines and their dimensions.
- d. All existing and proposed buildings and structures accessory to the principal use, including the use of each building or structure, dimensions and their locations on the parcel.
- e. Dimensions of existing and proposed yard setbacks for buildings and structures.
- f. Dimensions of existing and proposed parking, loading, and unloading areas, sidewalks and interior and perimeter landscaping areas. Identify proposed and existing surface material(s).
- g. Show the general landscaping concept for the site, including the location of existing and proposed trees, shrubs and grass.
- h. The location and details of proposed and existing refuse containers and their enclosures.
- i. The location and type of all proposed and existing exterior lighting fixtures.
- j. The location, height and materials of all proposed and existing fences or retaining walls.
- k. The location and size of existing and proposed driveways.
- l. The location and use of buildings and structures on adjoining land.
- m. Submit preliminary architectural plans for the existing and proposed buildings that show sufficient detail to permit an understanding of the style of the development and the design of the building(s).
- n. Submit floor plan of the building(s), including room dimensions.
- o. Other additional information that may be deemed appropriate by the Community Development Director.

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.