



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: June 23, 2021

Common Council Meeting Date: July 7, 2021

Item: Special Use Permit #1-21 for alcohol sales and consumption at 141 South RiverHeath Way / (Tax Id #31-4-0828-08)

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Mark Geall, RH Events, LLC

Address/Parcel #: 141 South RiverHeath Way / #31-4-0828-08

Petitioner's Request: Poplar Hall is a special event center to be used for business meetings, weddings, concerts, and other special events. The Special Use Permit request is for alcohol sales and consumption (inside the building and outdoors on the premises) at 141 South RiverHeath Way / (Tax Id #31-4-0828-08).

BACKGROUND

The owner/applicant applied for a Reserve "Class B" Liquor and Class "B" Beer License application and received approval from the Common Council on June 2, 2021.

On April 30, 2020, Site Plan #4-20 was approved by City staff. Building Permit #B20 was issued on May 1, 2020, to allow for the construction of Poplar Hall, including the ice rink and a parking lot expansion.

On July 22, 2016, Implementation Plan Document Number 2078822 was recorded in the Outagamie County Register of Deeds' office. Implementation Plan Document Number 2078822 establishes the development guidelines and zoning district standards for the subject site and Planned Development District #1-11.

On May 4, 2011, the Common Council approved Planned Development (PD) Rezoning #1-11, which repealed (PD) rezoning #12-08.

On August 20, 2008, the Common Council approved Planned Development (PD) Rezoning #12-08 which rezoned the RiverHeath development from M-2 General Industrial District to PD/C-2 Planned Development General Commercial District.

STAFF ANALYSIS

Project Summary: The building area is 8,400 square feet with a 3,000 square foot outdoor space, which includes a patio and an ice rink.

Zoning Ordinance Requirements: The subject site is located in the PD/C-2 Planned Development General Commercial District, and the proposed use may be permitted by special use permit within this overlay zoning district pursuant to the RiverHeath PD #1-11, Document Number 2078822 and subsequent amendment. 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: The plan of operation is attached to the staff report.

Outdoor Area: The applicant proposes to utilize the outdoor area for alcohol sales and consumption, as is shown on the development plan (green highlighted area).

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 generally commercial and residential in nature.

North: M-2 General Industrial District. The Fox River is immediately north of the subject property.

South: PD/C-2 Planned Development General Commercial District. The adjacent land to the south is an off-street parking lot associated with the RiverHeath Planned Development.

East: PD/C-2 Planned Development General Commercial District. The adjacent land to the east is the Appleton Marriott Courtyard Riverfront Hotel.

West: PD/C-2 Planned Development General Commercial District. The adjacent land to the west is the RiverHeath Willow Building (Commercial and Residential uses).

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Mixed Use 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.

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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 9.5 Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

OBJECTIVE 9.6 Economic Development:

Create a vibrant environment that is conducive to attracting and retaining talented people.

Policy 9.6.2 Encourage the creation of vibrant mixed-use urban areas in the downtown and along the Fox River that are both walkable and bicycle-friendly.

Technical Review Group (TRG) Report: This item appeared on the June 1, 2021 TRG Agenda. No negative comments were received from participating departments.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant’s proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. 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.” Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Finding of Fact: This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #1-21 for alcohol sales and consumption (inside the building and outdoors on the premises) at 141 South RiverHeath Way, also identified as Parcel Number #31-4-0828-08, 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. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - **Substantial Evidence:** This condition provides notice to the applicant that they are required to receive a liquor license from the City Clerk's office prior to serving alcohol inside the building located at 141 South RiverHeath Way in order to comply with Municipal Code and General Policy Statement on Beer/Liquor Licensing.
2. The applicant shall comply with the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
 - **Substantial Evidence:** This condition provides notice to the applicant that they are required to follow the standards for serving alcohol in the City of Appleton in order to promote the health, safety and general welfare of the City.
3. The premises shall be kept free of litter and debris.
 - **Substantial Evidence:** This requirement assures the applicant understands they must keep the premises free of litter and debris at all times in order to promote the health, safety, comfort and general welfare of the City.
4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - **Substantial Evidence:** This condition assures the applicant understands they must follow the City's Municipal Code and all applicable State and Federal laws which they are required to follow while conducting business in the City; failure to follow City, State and Federal regulations may result in revocation of their Special Use Permit to serve alcohol.
5. The applicant shall have twelve (12) months from the issuance of the Special Use Permit to obtain an occupancy permit for the proposed building located at 141 South RiverHeath Way, or Special Use Permit #1-21 will expire.
 - **Substantial Evidence:** Standardized condition to ensure the use is established in a timely manner.

6. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
 - **Substantial Evidence:** Standardized condition that establishes a process for review and approval of future changes to the special use in order to promote the health, safety and welfare of the City.

RESOLUTION

CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #1-21

WHEREAS, Mark Geall, owner of the Event Center known as Poplar Hall has applied for a Special Use Permit to allow alcohol sales and consumption on the premises (inside the building and outdoors on the premises) located at 141 South RiverHeath Way, and also identified as Parcel Number 31-4-0828-08, and

WHEREAS, the premises is located in the PD/C-2 Planned Development General Commercial District, and the proposed use may be permitted by special use within this overlay zoning district pursuant to the RiverHeath PD #1-11, Document Number 2078822 and subsequent amendment; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on June 23, 2021 on Special Use Permit #1-21 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 reviewed and considered the Community and Economic Development Department's staff report and recommendation and other spoken and written evidence and testimony 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)(1-8) and 23-66(h)(6) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #1-21 to the City of Appleton Common Council with a favorable conditional 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 July 7, 2021.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed in Sections 23-66(e)(1-8) are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #1-21 for alcohol sales and consumption on the premises (inside the building and outdoors on the premises) located at 141 South RiverHeath Way, also identified as Parcel Number #31-4-

0828-08 based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #1-21 for alcohol sales and consumption on the premises (inside the building and outdoors on the premises) located at 141 South RiverHeath Way, also identified as Parcel Number #31-4-0828-08 subject to the following conditions:

CONDITIONS OF SPECIAL USE PERMIT #1-21:

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - B. The applicant shall comply with the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
 - C. The premises shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - E. The applicant shall have twelve (12) months from the issuance of the Special Use Permit to obtain an occupancy permit for the proposed building located at 141 South RiverHeath Way, or Special Use Permit #1-21 will expire.
 - F. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
4. The City Clerk's Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this 7th day of July 2021.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of business: RH Events LLC dba Poplar Hall

Years in operation: 0

(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 special event center

Detailed explanation of proposed business activities:

Poplar Hall is a special event center, to be used for business meetings, weddings, concerts, and other special events. Other than special events, it will not be open.

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

(square feet) New construction

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

(square feet) 11,400sf total

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: 1015 (IBC) persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	8am	11pm special events only, no regular schedule
Friday	8am	11pm special events only, no regular schedule
Saturday	8am	11pm special events only, no regular schedule
Sunday	8am	11pm special events only, no regular schedule

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 2 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: **3000** _____ square feet

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

Fencing Landscaping Other _____ Height **four** 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	8am	8pm, special event use only
Friday	8am	8pm, special event use only
Saturday	8am	8pm, special event use only
Sunday	8am	8pm, special event use only

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:
Outdoor, the noise would be from a wedding ceremony, so vows and hymns.
Indoors, we plan to host concerts as well as weddings, so amplified music from speakers.

Describe how the crowd noise will be controlled inside and outside the building:
Outdoors, there will be no amplified music beyond wedding ceremonies. Those ceremonies will be complete by no later than 7pm to accommodate a dinner afterwards. For indoor noise control, Poplar Hall is dug into the hill, with three

Off-Street Parking:

Number of spaces existing on-site: 114.00

Number of spaces proposed on-site: 114.00

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?

Street access is adequate. We have proposed no new street improvements. Including the hotel, RiverHeath has 290 off street surface parking stalls. Residents have 238 indoor secured parking stalls. Outside RiverHeath, there are over 1000 available surface parking stalls within a five minute walk. See the Parking Study, 01/24/2020.

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:

- Appleton Courtyard Riverfront Marriott hotel, adjacent to the north.
- Tempest Coffee Collective, in the Prairie Building, 400 feet south.
- Mr. Brew's Taphouse, in the Evergreen Building, 600 feet south.

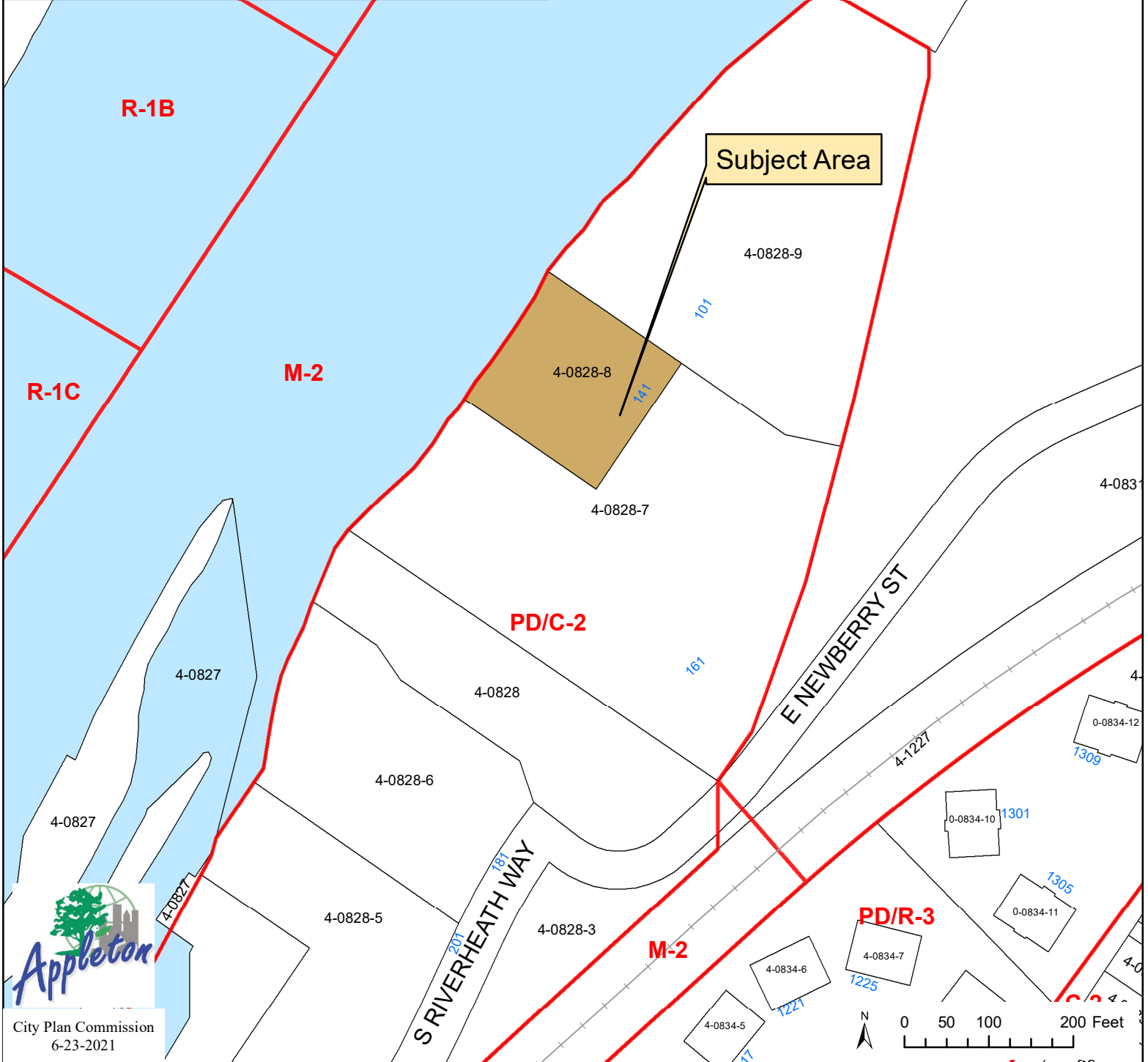
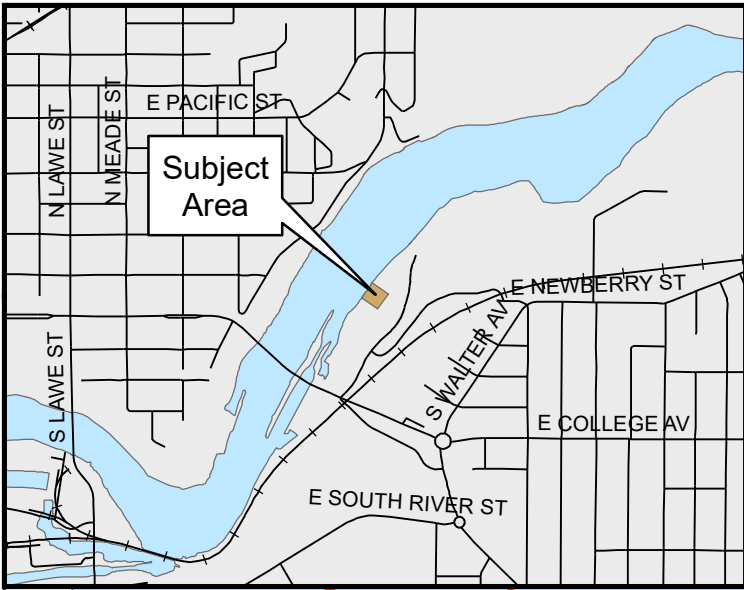
Number of Employees:

Number of existing employees: 1.00

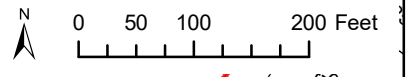
Number of proposed employees: 25.00

Number of employees scheduled to work on the largest shift: 25.00

Special Use Permit
Alcohol Sales and Consumption
Poplar Hall
141 S Riverheath Way
Zoning Map



City Plan Commission
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Special Use Permit
Alcohol Sales and Consumption
Poplar Hall
141 S Riverheath Way
Aerial Map

Subject Area

4-0828-8

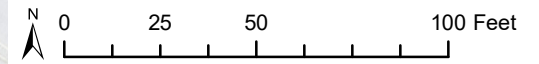
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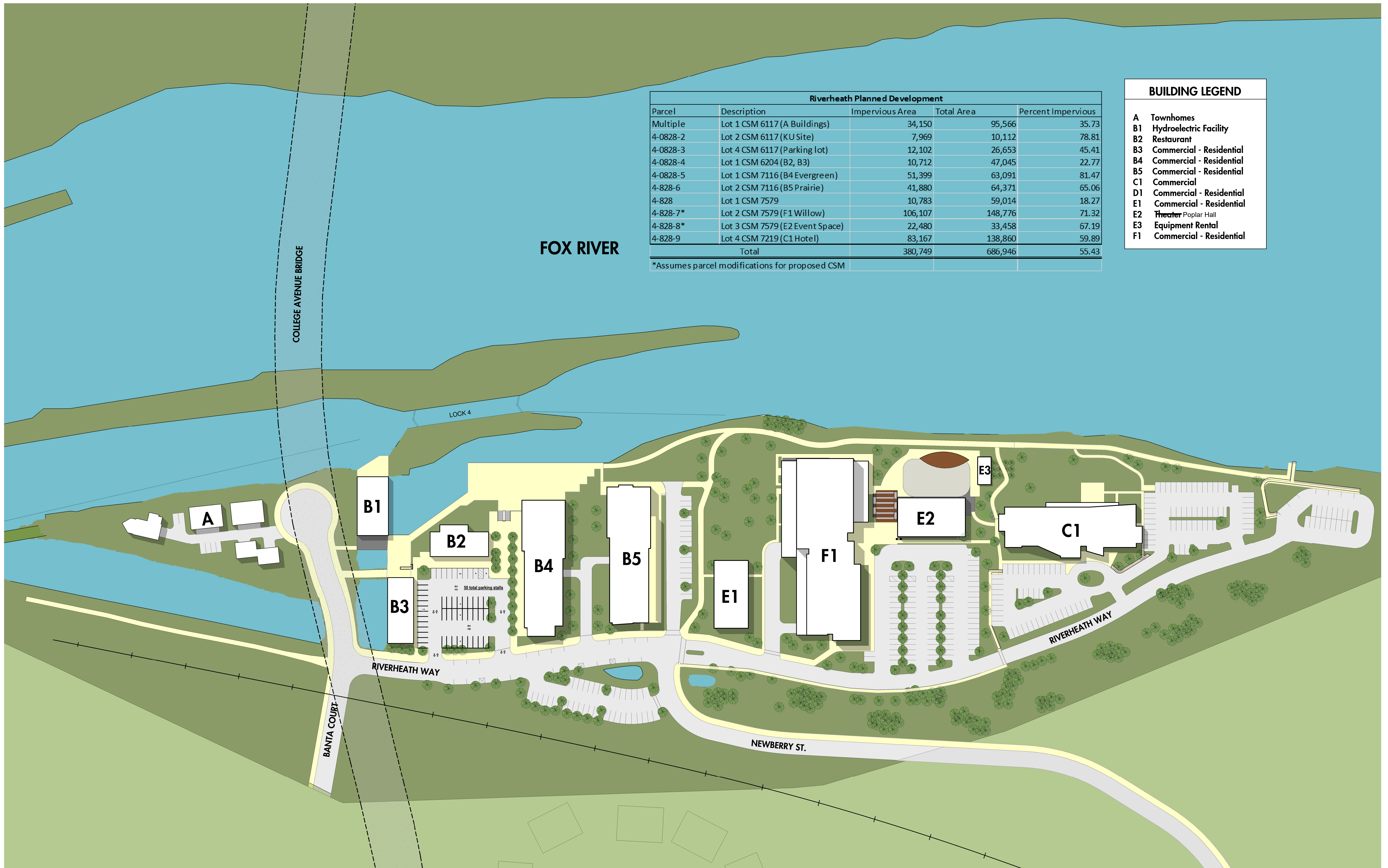
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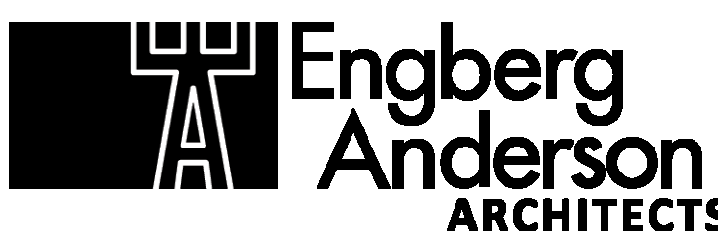


Riverheath Planned Development				
Parcel	Description	Impervious Area	Total Area	Percent Impervious
Multiple	Lot 1 CSM 6117 (A Buildings)	34,150	95,566	35.73
4-0828-2	Lot 2 CSM 6117 (KU Site)	7,969	10,112	78.81
4-0828-3	Lot 4 CSM 6117 (Parking lot)	12,102	26,653	45.41
4-0828-4	Lot 1 CSM 6204 (B2, B3)	10,712	47,045	22.77
4-0828-5	Lot 1 CSM 7116 (B4 Evergreen)	51,399	63,091	81.47
4-828-6	Lot 2 CSM 7116 (B5 Prairie)	41,880	64,371	65.06
4-828	Lot 1 CSM 7579	10,783	59,014	18.27
4-828-7*	Lot 2 CSM 7579 (F1 Willow)	106,107	148,776	71.32
4-828-8*	Lot 3 CSM 7579 (E2 Event Space)	22,480	33,458	67.19
4-828-9	Lot 4 CSM 7219 (C1 Hotel)	83,167	138,860	59.89
Total		380,749	686,946	55.43

*Assumes parcel modifications for proposed CSM

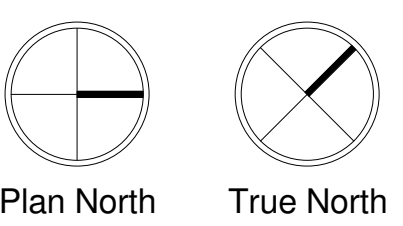
BUILDING LEGEND	
A	Townhomes
B1	Hydroelectric Facility
B2	Restaurant
B3	Commercial - Residential
B4	Commercial - Residential
B5	Commercial - Residential
C1	Commercial
D1	Commercial - Residential
E1	Commercial - Residential
E2	Theater Poplar Hall
E3	Equipment Rental
F1	Commercial - Residential

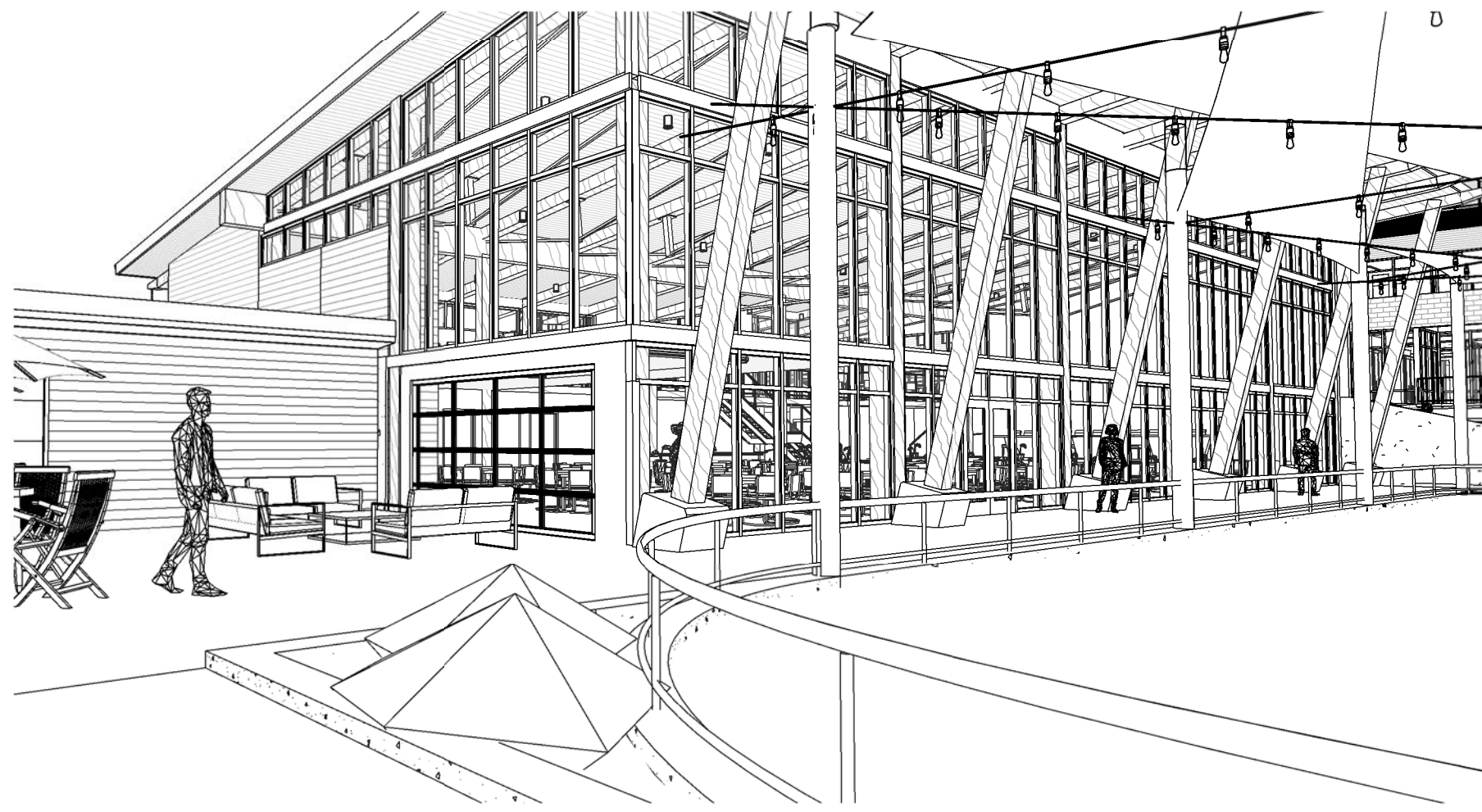
RIVERHEATH - APPLETON WISCONSIN



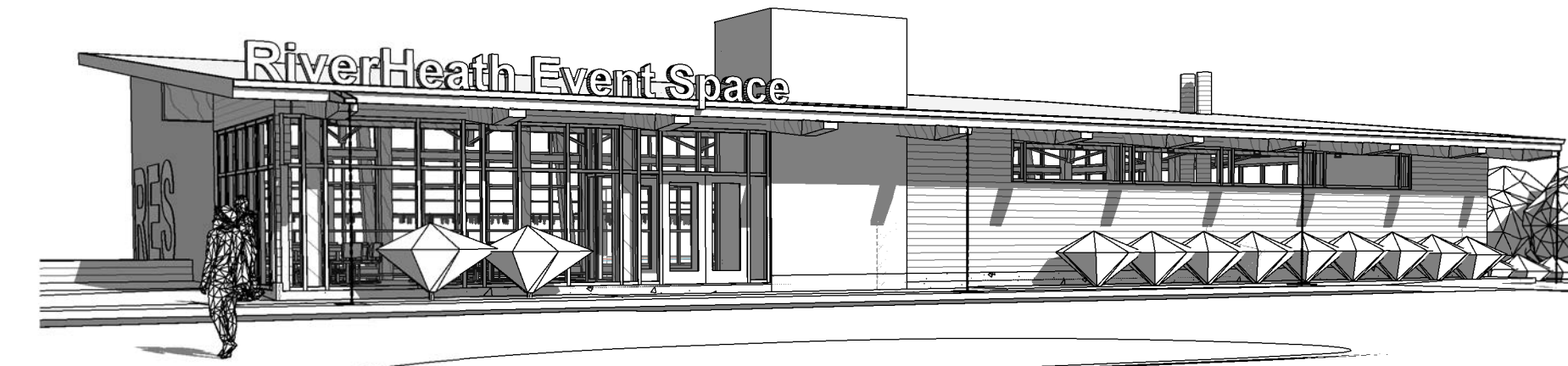
MASTER PLAN
SCALE: 1" = 60'-0"

Engberg Anderson Project No. 071711

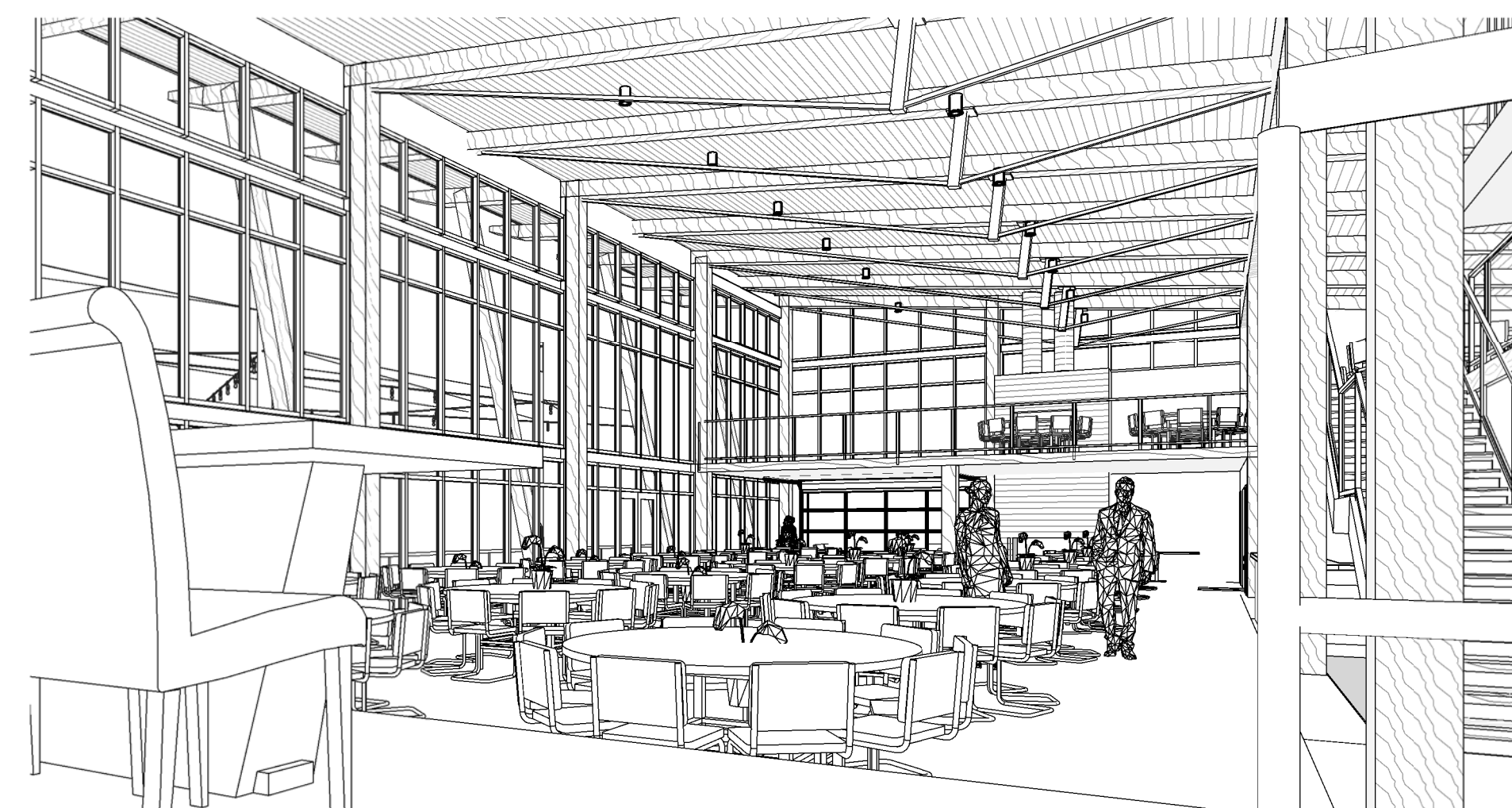




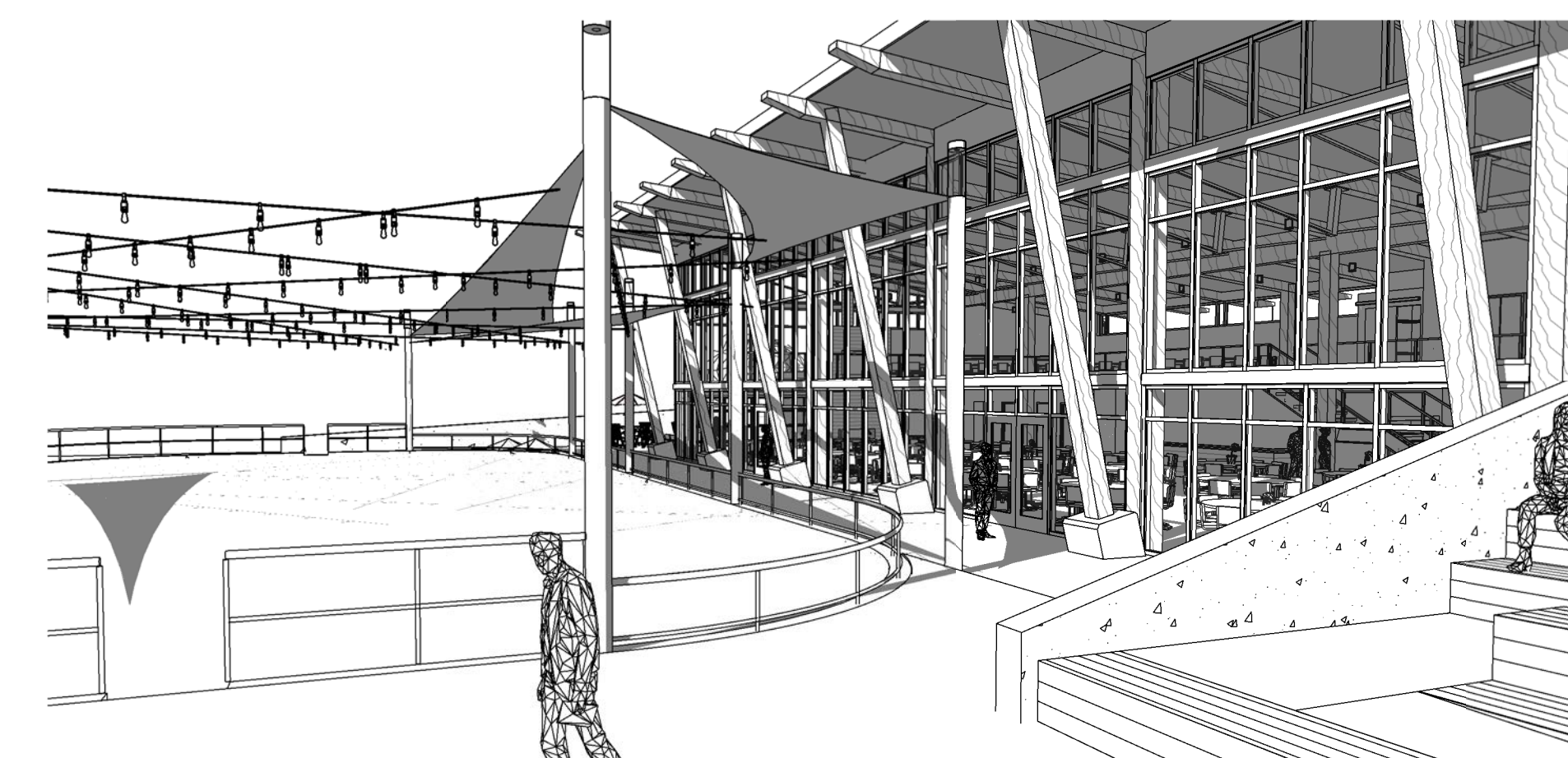
3 RES - PERSPECTIVE 01
SCALE:



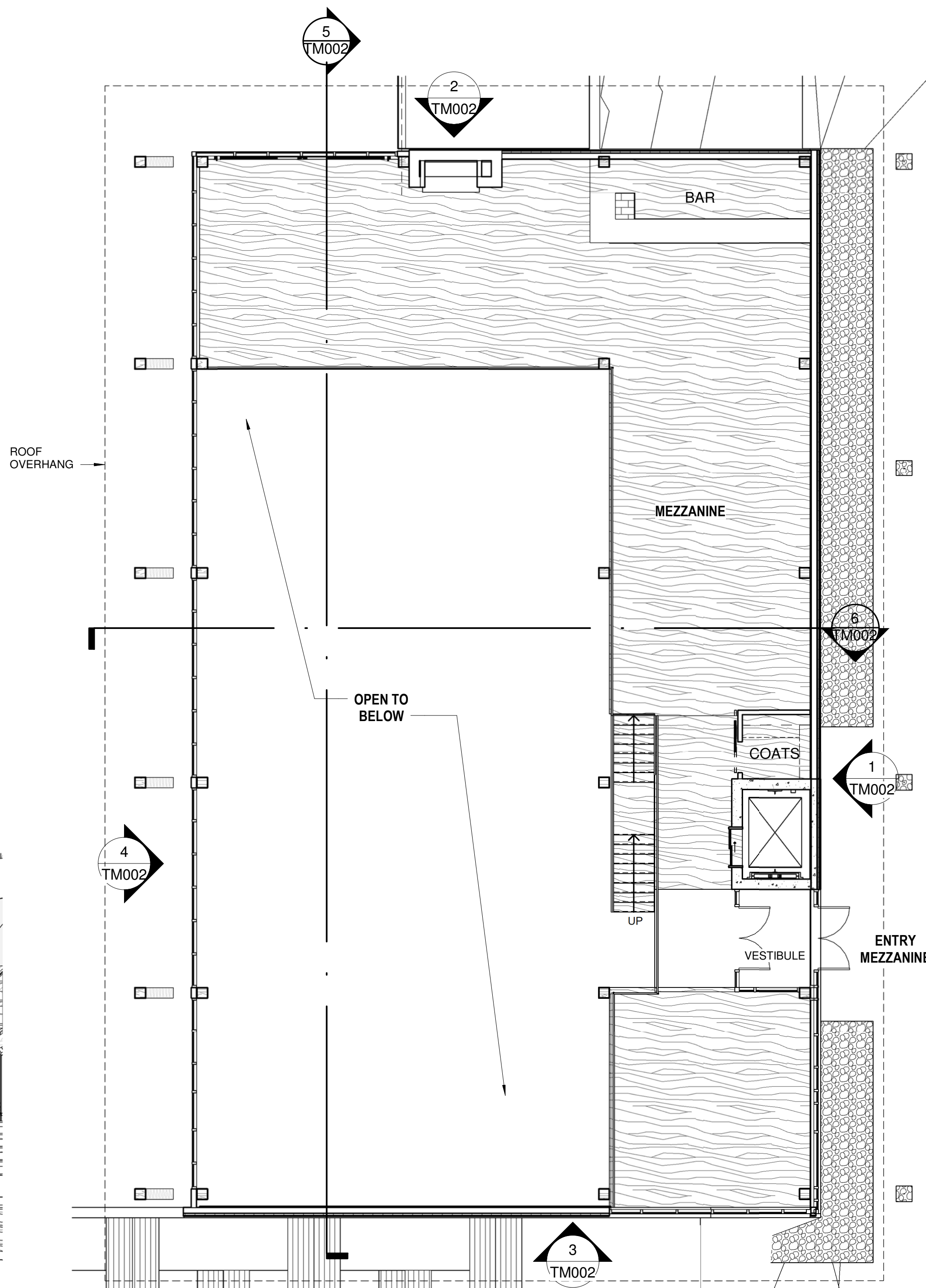
4 RES - PERSPECTIVE 02
SCALE:



5 RES - PERSPECTIVE 03
SCALE:



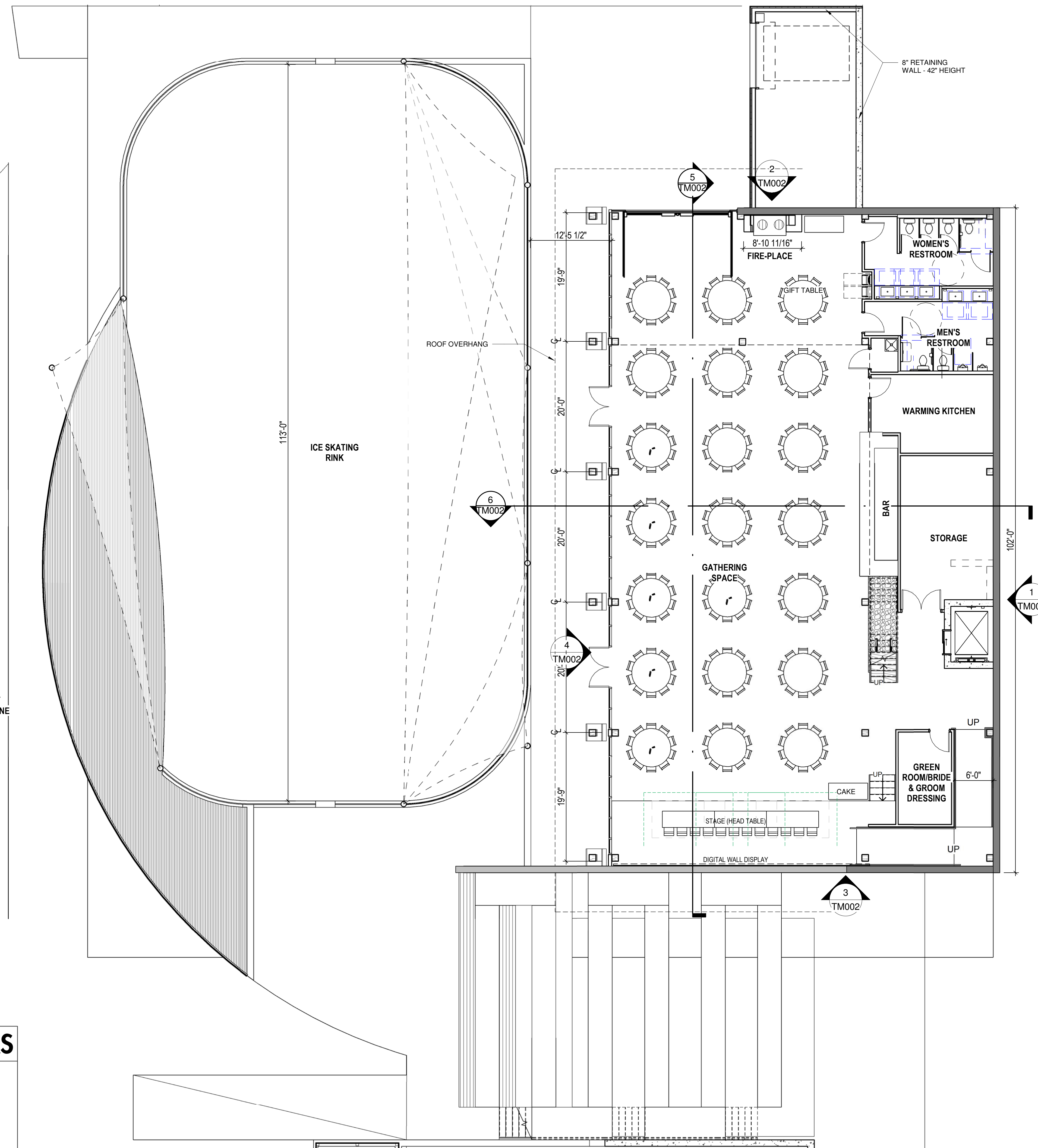
6 RES - PERSPECTIVE 04
SCALE:



2 RIVERHEATH EVENT CENTER - MEZZANINE
SCALE: 1/8" = 1'-0"

RIVERHEATH EVENT CENTER - BUILDING AREAS

MAIN LEVEL	6,000 SF
MEZZANINE	2,400 SF
TOTAL BUILDING	8,400 SF
SIT DOWN CAPACITY	
MAIN LEVEL	200
MEZZANINE	50

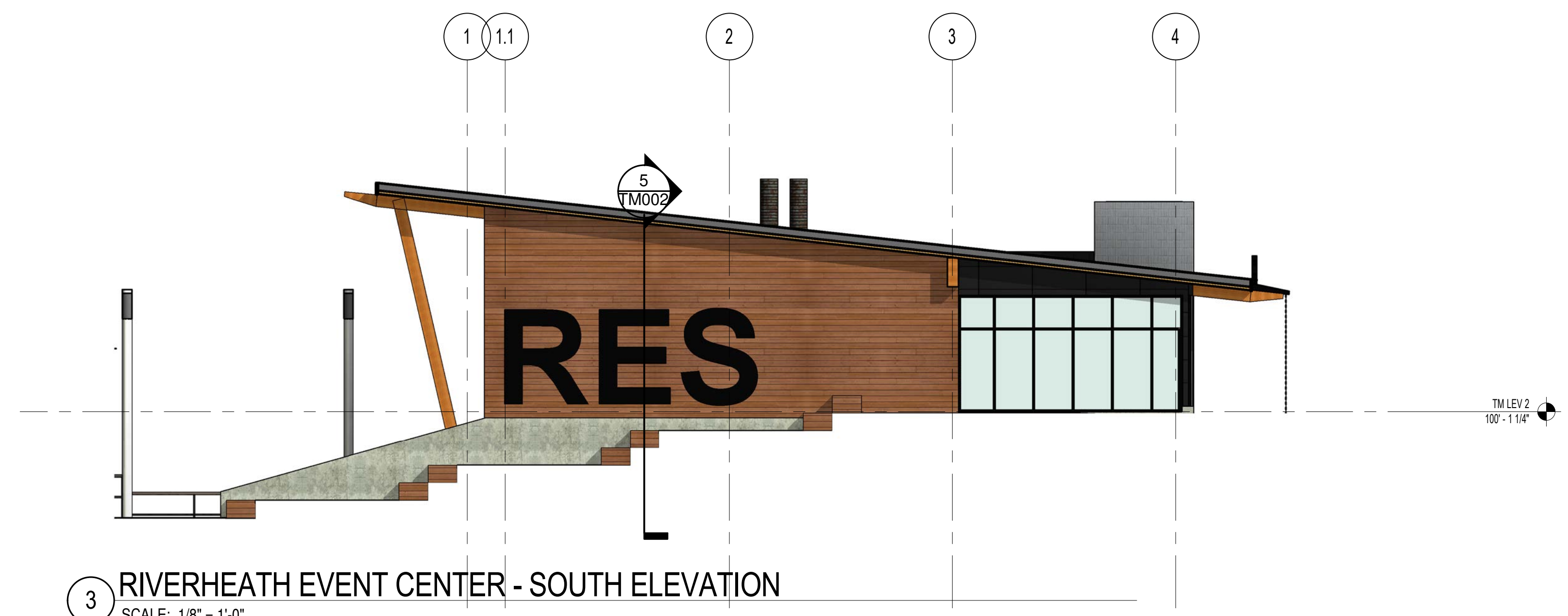


1 RIVERHEATH EVENT CENTER - FIRST FLOOR
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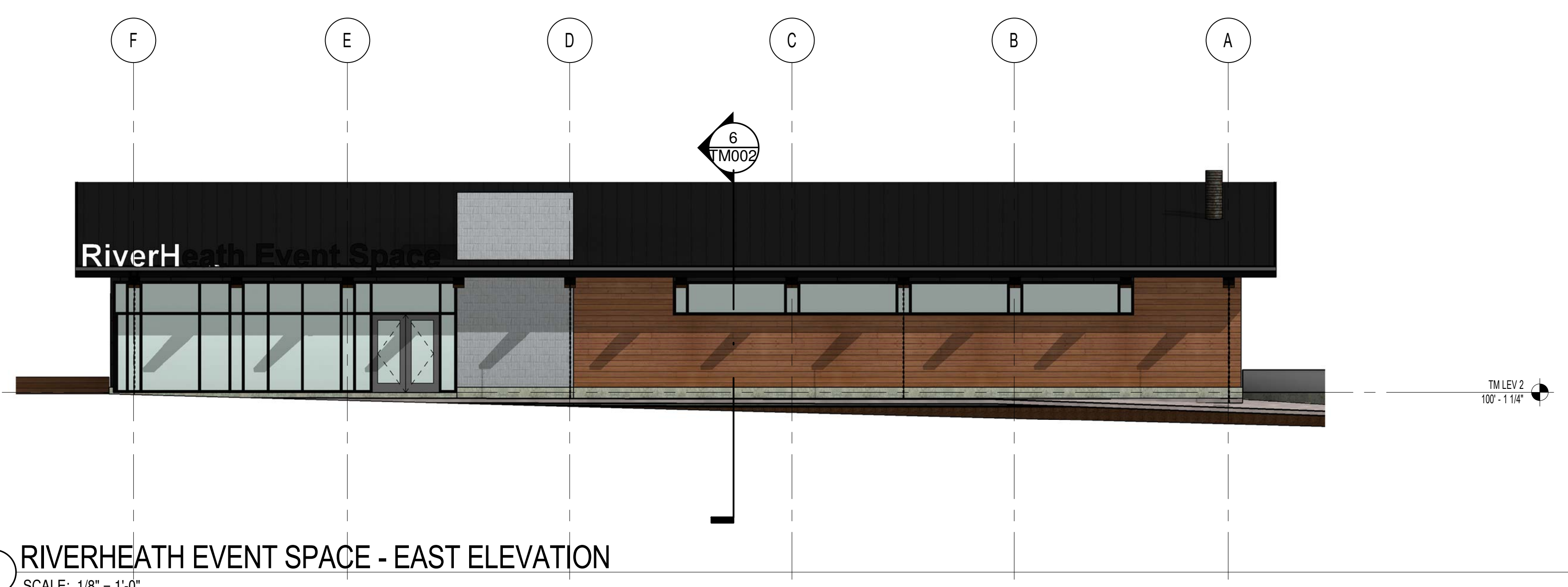
RIVERHEATH EVENT SPACE



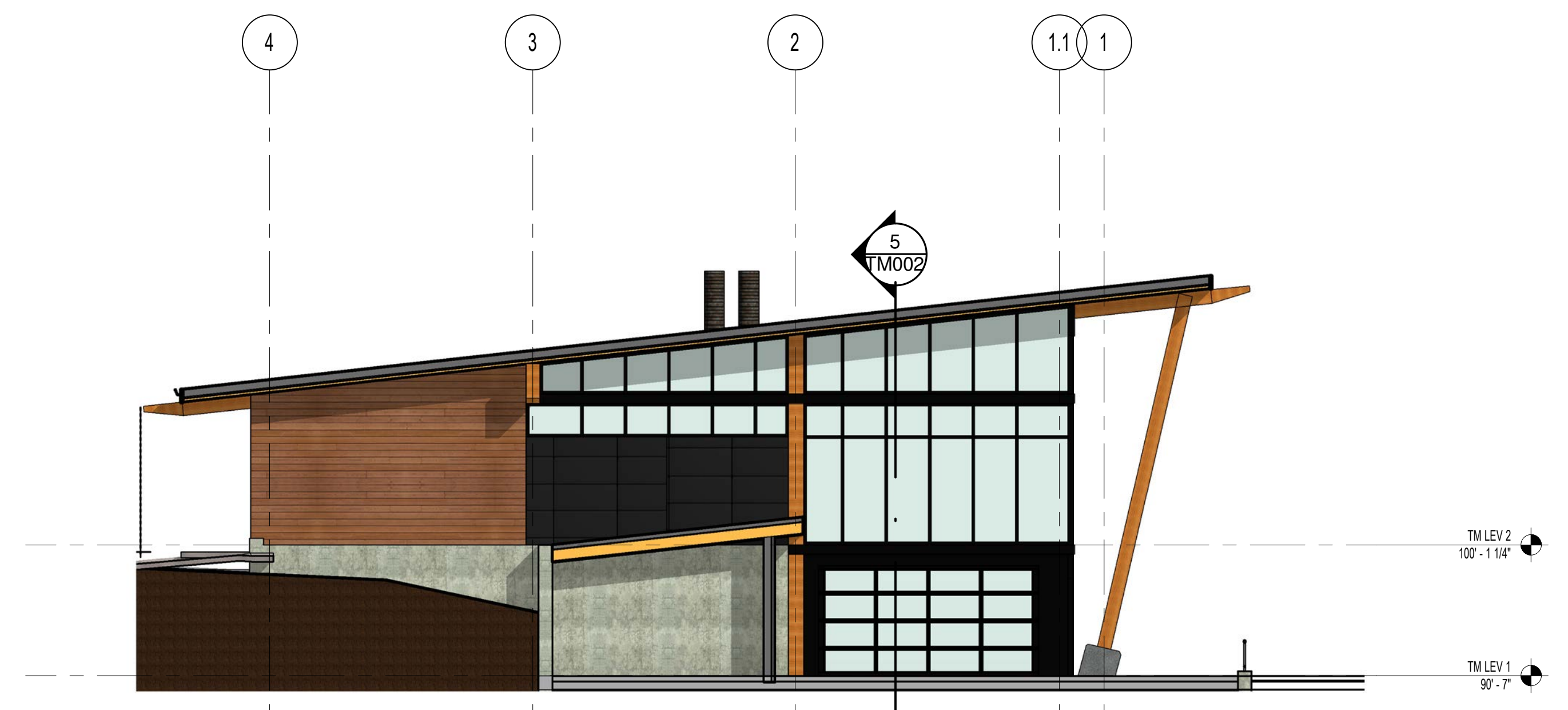
FLOOR PLANS & 3D VIEWS
SCALE: As indicated



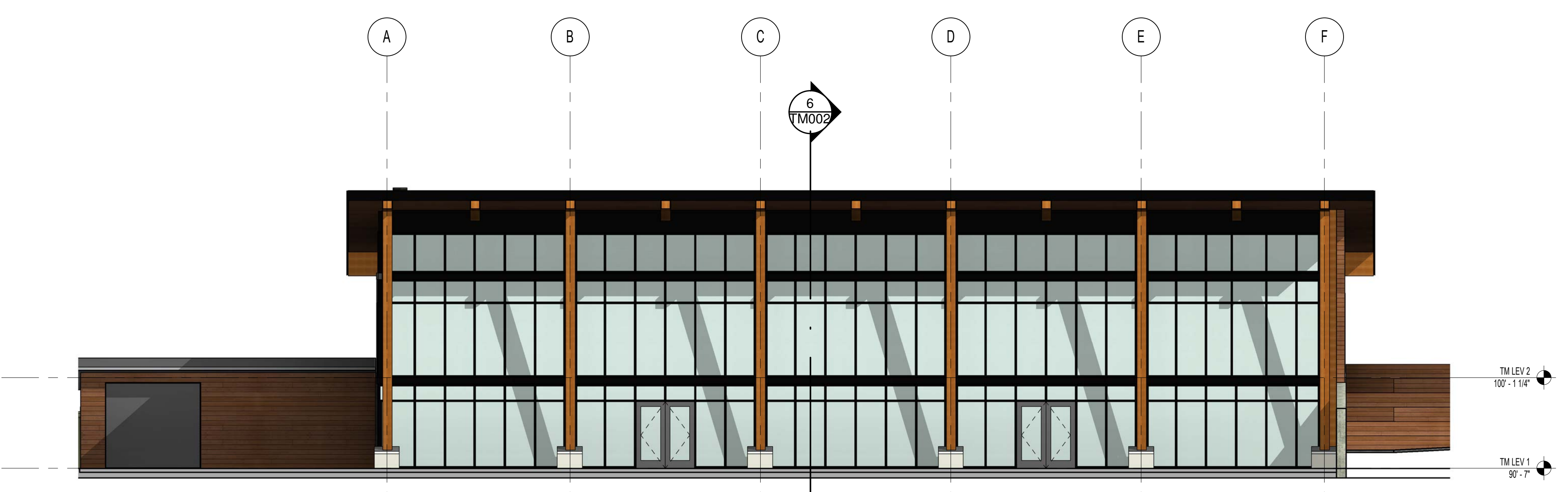
3 RIVERHEATH EVENT CENTER - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



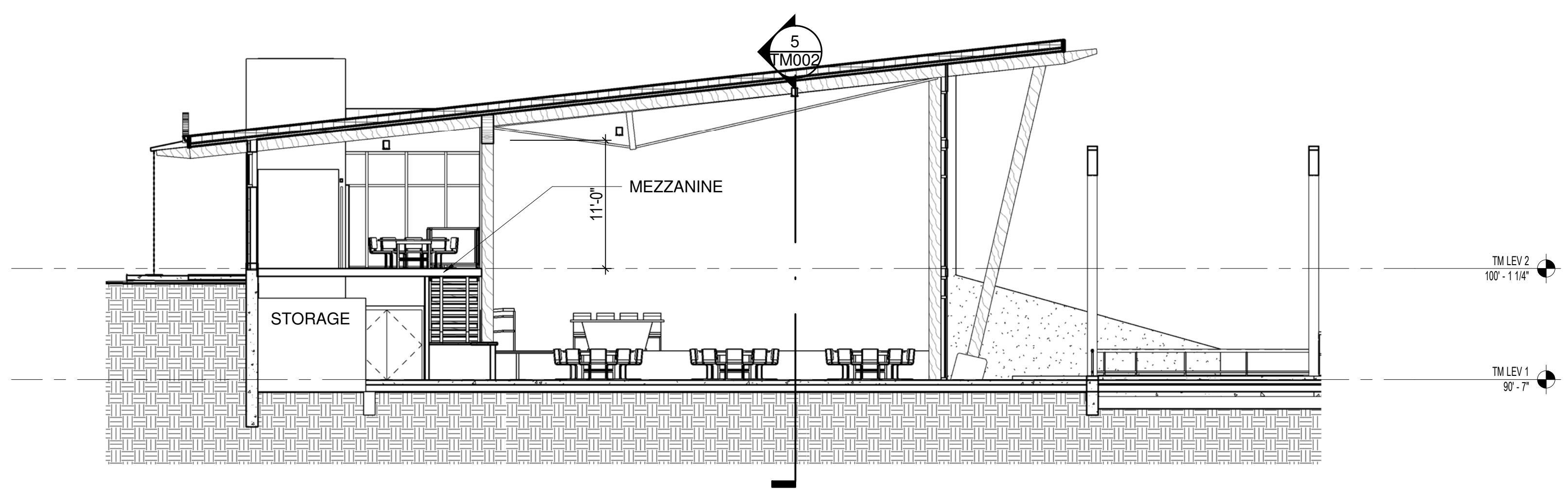
1 RIVERHEATH EVENT SPACE - EAST ELEVATION
SCALE: 1/8" = 1'-0"



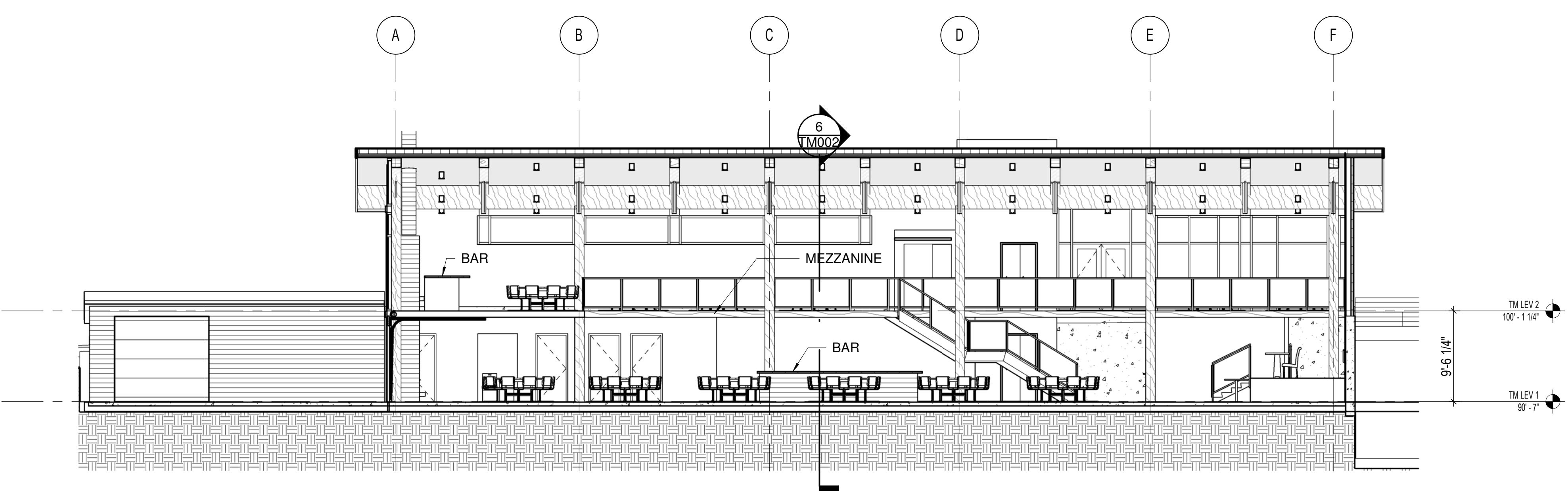
2 RIVERHEATH EVENT SPACE - NORTH ELEVATION
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4 RIVERHEATH EVENT SPACE - WEST ELEVATION
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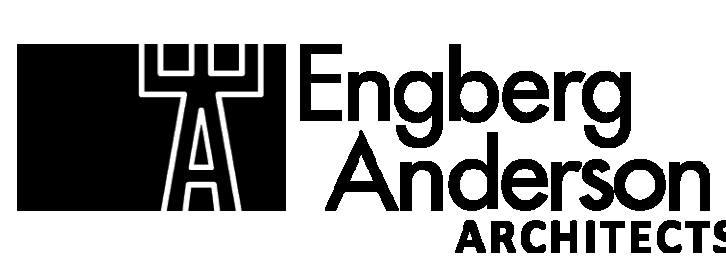


6 RIVERHEATH EVENT SPACE - SECTION B
SCALE: 1/8" = 1'-0"



5 RIVERHEATH EVENT SPACE -SECTION A
SCALE: 1/8" = 1'-0"

RIVERHEATH EVENT SPACE



SECTIONS & ELEVATIONS
SCALE: 1/8" = 1'-0"

Approved Site Plan #4-20

