



REPORT TO SAFETY AND LICENSING COMMITTEE

Meeting Date: October 27, 2021

Premise Amendment Request Received from City Clerk's Office:
October 11, 2021

Item: Reserve "Class B" Liquor and Class "B" Beer License Permanent Premise Amendment Application for Fox River Boat Holdings Co. d/b/a River Tyme Bistro, Candice Mortara, Agent, Located at 425 W. Water Street Unit 100

From: Don Harp, Principal Planner

Pursuant to Section 9-77 of the Municipal Code and Section V. Procedures of the current General Policy Statement on Beer/Liquor Licensing, the Community and Economic Development Department investigation determines the following:

Outdoor Dining Request With or Without Alcohol Service

1. Currently, the site has 128 off-street parking spaces to accommodate customer and employee parking for the Atlas Mill building and Fratello's Riverfront Restaurant. In accordance with Sections 23-42(c) and 23-172(m) of the Zoning Ordinance, all existing off-street parking spaces shall be maintained as parking spaces. The proposed expansion of the outdoor dining into the 10 off-street parking spaces (highlighted green) located on the west side of the building will cause a deficiency of 10 parking spaces on the site.
2. The proposed expansion of the outdoor dining into the interior parking lot landscape island (highlighted green) located on the west side of the building will cause a deficiency in the required amount of interior parking lot landscape islands. In accordance with Section 23-172(f)(1)a. of the Zoning Ordinance, the interior parking lot landscape islands shall be maintained as is for their intended purpose.

Recommendation: Based on the above findings, staff recommends the request for alcohol license permanent premise amendment for the expansion of the outdoor dining with or without alcohol service within the 10 off-street parking spaces and the interior parking lot landscape islands (highlighted green) be **DENIED** because request causes the property to be **NOT** in compliance with Section(s) 23-42(c), 23-172(m) and 23-172(f)(1)a. of the Zoning Ordinance as specified above.

Interior Expansion Within Unit 1

3. Special Use Permit #01-06 was transferred to River Tyme Bistro on January 20, 2020 (see attached). Condition Number 2 of said transfer states, " Any future expansions into any area of building/property not part of this approval for the purpose of serving and/or consumption of

alcohol will require a *new Special Use Permit* application or a minor amendment request to be applied for and approved.”

Note: A new Special Use Permit has not been applied for by the owner/applicant. Approval of a new Special Use Permit for a restaurant with alcohol sales is required prior to the issuance of the amended liquor license.

Section III of the General Policy Statement on Beer/Liquor Licensing states, “Where required, no corporation, partnership or individual will be issued a beer/liquor license for the premises until a Special Use Permit application has been submitted. This would allow for the Community and Economic Development Department to review and determine whether or not the applicant must apply for and receive approval of a Special Use Permit pursuant to the current Zoning Code.”

Recommendation: Based on the above findings, the owner/applicant shall apply for and receive approval of a new Special Use Permit from the Common Council prior to the issuance of the request to expand alcohol service into the remaining area of Unit 1 located inside the building and the expanded outdoor premises area in compliance with all applicable Municipal Codes.

We recommend applicant/owner contact the Community and Economic Development Department at (920) 832-6468 to discuss the Special Use Permit approval process and assist with working out a solution to develop a proposal that satisfies the applicable Municipal Code regulations regarding the outdoor dining area.



"meeting community needs
.....enhancing quality of life"

REQUEST for

Alcohol License Premise Amendment

FEES ARE NON-REFUNDABLE

Date Recv'd 10/11/21

License Fee \$10.00/event

Acct: CLCAGP

Receipt 2694-2

SECTION 1 – LICENSE INFORMATION

Name of Establishment River Tyme Bistro

Address of Establishment 425 W Water Street, Appleton 54915

Name of Agent Candice Mortara

Phone Number 920-209-7789

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:

A drawing/diagram of the proposed area must also be submitted with this application

Due to instability of the ground under the patio, and subsequent closing of our current patio, we would like to extend our liquor license to the ground level area to the West, East and South of the patio. (The area highlighted in green) This allows us to offer our customers outdoor dining with the option of cocktails, as well as allows us the flexibility of accommodating private event customers who need outdoor seating. Once the patio is stabilized, it will allow for much sought after additional outdoor seating. The closing of the patio has cut our revenue in half. Also, we request to extend to the rest of Unit 1. Again, we have private event requests for that room, and being able to accommodate them would help immensely. We greatly appreciate your consideration.

Is this change Permanent?

If this is temporary please specify the reason for the amendment:



Please list the date(s) and time(s) that this temporary premise amendment will be utilized:

SECTION 3 – PENALTY NOTICE

I certify that I am familiar with Section 9-52 of the Municipal Code of the City of Appleton and agree that any license granted under this application may be suspended for cause at any time by the Common Council.

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature of Applicant: Candice L Mortara

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				

WATER

RIGHT-OF-WAY

C.S.M. LOT 1

NO. 7627

RETAINING WALL

CONCRETE SIDEWALK

BITUMINOUS

LANDSCAPE 118.50'

STAIRS
SEE SHEETS 2 AND 3
FOR DETAIL
53.89'

CONCRETE

CONCRETE

UNIT 2
FIRST FLOOR
DIMENSIONS SHOWN

UNIT 1
FIRST FLOOR
DIMENSIONS SHOWN

LCE UNIT 2

LCE UNIT 1

S49°41'03"W
(S49°54'37"W)

FOX

1°40'24"E

35°2'11"E

05°(W)
0°31'W

4.09'

BUILDING

WAY

S39°59'09"E
(S39°45'35"E)

11.93'

N75°19'56"W
(N75°06'22"W)

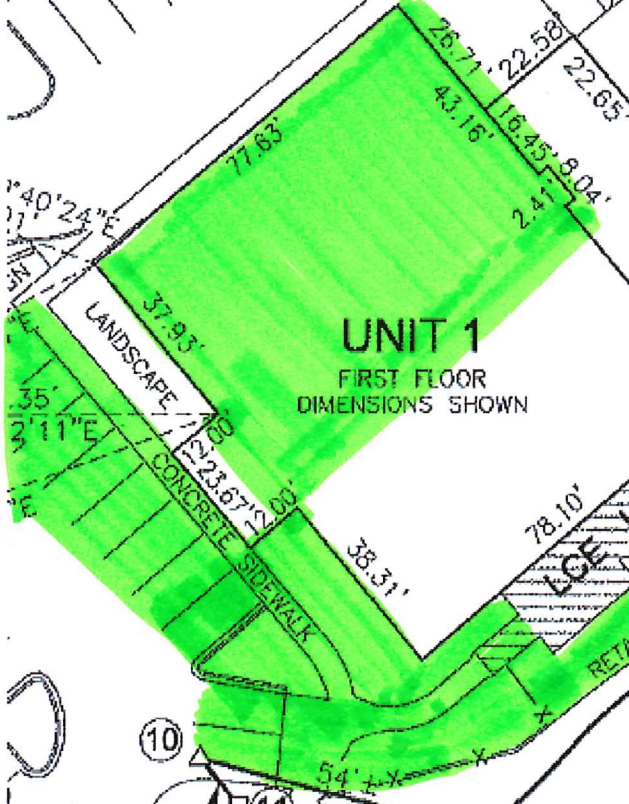
76.50'

9

10

11

22'±



Special Use Permit #01-06
Restaurant/Outdoor Deck with onsite alcohol sales and consumption
425 West Water Street, Suite #100

The previous tenant (Atlas Coffee Mill & Cafe) was allowed to operate a restaurant with alcohol sales and consumption, including the use of the deck (outside space) on the south side of the building located at 425 West Water Street, Suite #100 per Special Use Permit #01-06.

Conditions of Special Use Permit #01-06:

1. The applicant shall apply for and receive a Liquor License from the City Clerk prior to serving alcohol on the subject site and shall conform to the standards established in Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.
2. Any future expansions into any area of building/property not part of this approval for the purpose of serving and/or consumption of alcohol will require a new Special Use Permit application or a minor amendment request to be applied for and approved.
3. The applicant shall install a building code compliant emergency exit gate between the existing level #2 outside dining deck and future level #1 outside dining deck prior to the City Clerk issuing the Liquor License for the level #2 and #3 outside dining decks. *(Building Permit B10-0186 was reviewed and approved for single level deck located on the south side of the building. Deck levels #2 and #3 have not been constructed)*
4. The applicant shall install a building code compliant emergency exit gate, a minimum 42" inch high railing to enclose the level #1 outside dining deck, and install the landscape areas (barberry species) as shown on the development plan prior to the City Clerk issuing the Liquor License for the level #1 outside dining deck.

Analysis:

The Plan of Operation/Floor Plan submitted for River Tyme Bistro, appears to meet the general intent and character of previously approved Special Use Permit #01-06. Therefore, Special Use Permit #01-06 can be transferred from Atlas Coffee Mill & Cafe to the owner of River Tyme Bistro for the operation of a restaurant with alcohol sales and consumption, including the use of the deck (outside space) on the south side of the building located at 425 West Water Street, Suite #100 within the highlighted area shown on the attached floor plan Sheet A-2, provided the above listed conditions are complied with.

Contact the Community and Economic Development Department at (920)832-6468 to discuss the amendment approval, if alcohol sales and consumption is being proposed outside of the highlighted area shown on the attached floor plan Sheet A-2.

January 20, 2020

**ONSITE ALCOHOL CONSUMPTION
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

Business information:

Name of Business: River Tyme Bistro

(Check applicable proposed business activity(s) proposed for the building or tenant space)

Restaurant Bar/Night Club Wine Bar Microbrewery Other event space

Provide detailed explanation of the type of business occupying the building or tenant space:

Coffee shop, breakfast + lunch items, meeting + event space. Liquor license for liquor, wine + beer for events

Any planned remodeling of the building or tenant space proposed (please describe):

Kitchen being moved from current location to location on architectural drawing

Proposed Hours of Operation for Indoor Space:

Day	From	To
Week Days: Monday thru Thursday	7 am	3pm (midnight if events)
Friday	7 am	3 pm (midnight if events)
Saturday	8 am	3 pm (midnight if events)
Sunday	9 am	2pm (midnight if events)

Building capacity and area:

Anticipated maximum number of persons occupying the building or tenant space: 150 persons.

Gross floor area of the existing building or tenant space the business will occupy: 4325 sq.ft.

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all equipment/amplified music.

dishwasher noise (minimum)
amplified music (will be contained within walls)

B. How will the noise be controlled to comply with the Municipal Code Regulations?

It will not be loud enough to not be
(contained in walls)

Outdoor Space uses:

(Check applicable proposed area)

None Patio Sidewalk Café Deck Other _____

Is there any alcohol service incorporated within the outdoor space? Yes No ___

Are there plans for outdoor music/entertainment? Yes ___ No maybe acoustic)

If yes, describe how will the noise be controlled: will not be loud enough to leave
property - acoustic only)

Is there any food service incorporated in the outdoor space? Yes No ___

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.

Proposed Hours of Operation for the Outdoor Space:

Day	From	To
Week Days: Monday thru Thursday	7 AM	3pm (midnight if event)
Friday	7 AM	3pm (midnight if event)
Saturday	8 AM	3pm (midnight if event)
Sunday	9 AM	2pm (midnight if event)

Number of Employees:

Number of Proposed Employees: max. 6

Number of employees scheduled to work on the largest shift: max. 6

Number of off-street parking spaces:

Total Number of off-street parking space located on-site: 170

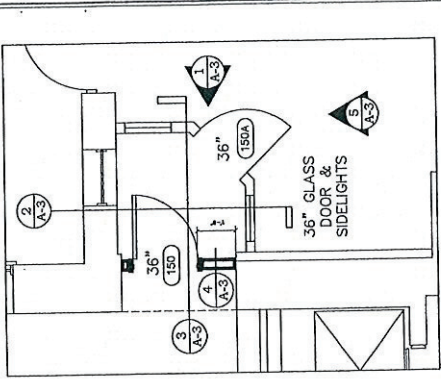
REVISIONS
 SEE SHEET A-0 FOR REVISION

PHONE: (920) 866-8700
 FAX: (920) 866-8703
 EMAIL: info.cs@newst.com

CONTRACTING SPECIALISTS INC.
 333 N. COMMERCIAL STREET
 SUITE 175
 NEENAH, WI 54956

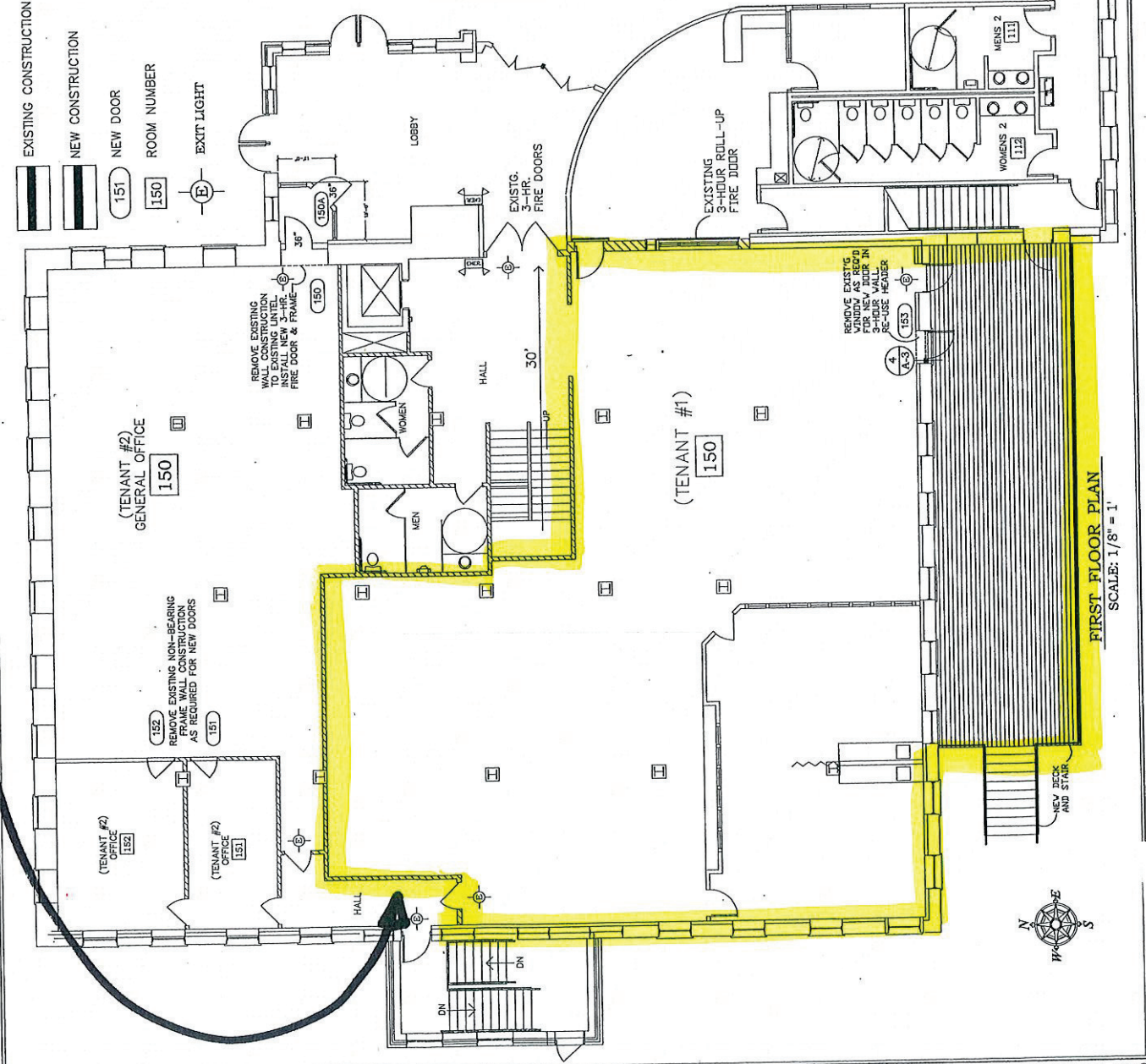
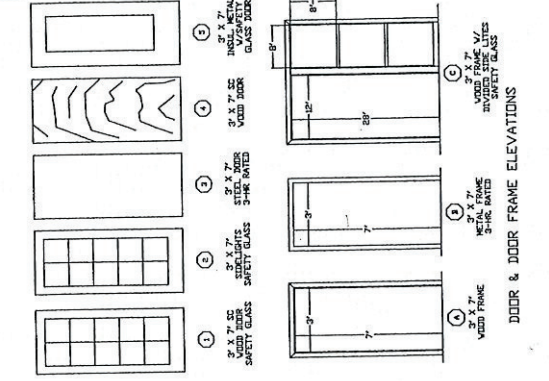
PROPOSED TENANT BUILD-OUTS & DECK FOR
ATLAS MILL
 425 W. WATER STREET
 APPLETON, WI 54911

DATE: 05 APR 10
 PROJECT NUMBER: 2010-01
 SHEET: A-2



ENLARGED FLOOR PLAN
 SCALE: 1/4" = 1'

DOOR	DOOR SIZE	TYPE	FRAME	FINISH	REMARKS
101	3' X 7'	GLASS	3-HR RATED	A	EXISTING
102	3' X 7'	GLASS	3-HR RATED	A	EXISTING
103	3' X 7'	GLASS	3-HR RATED	A	EXISTING
104	3' X 7'	GLASS	3-HR RATED	A	EXISTING
105	3' X 7'	GLASS	3-HR RATED	A	EXISTING
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198	3' X 7'	GLASS	3-HR RATED	A	EXISTING
199	3' X 7'	GLASS	3-HR RATED	A	EXISTING
200	3' X 7'	GLASS	3-HR RATED	A	EXISTING



Building permit: 610-0186

Sup # 01-06

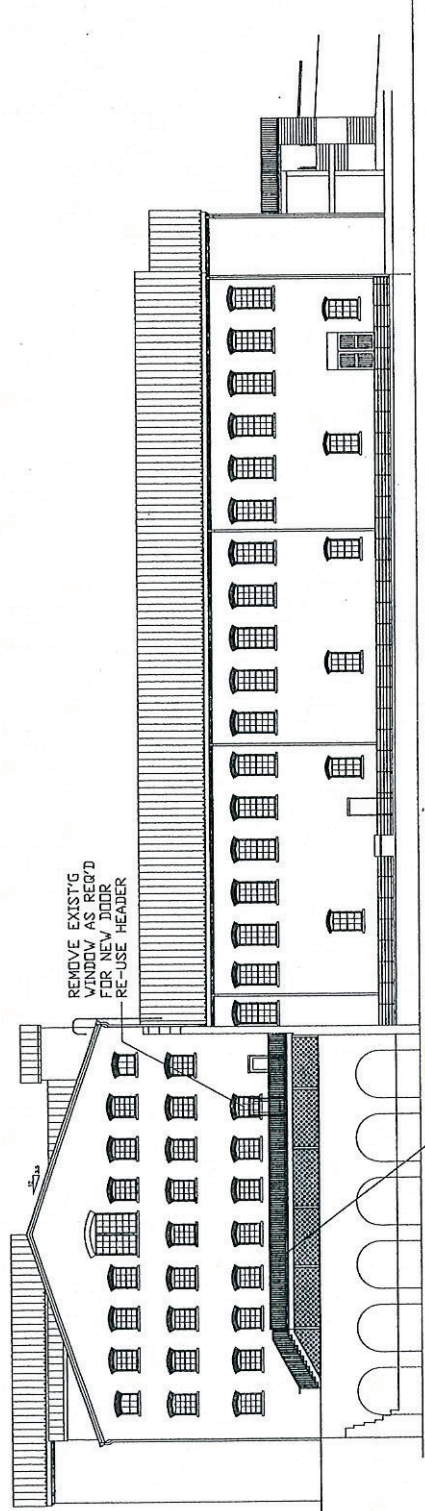
REVISIONS
SEE SHEET A2.0
FOR REVISION

PHONE: (920) 886-8700
FAX: (920) 886-8703
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CONTRACTING SPECIALISTS INC.
333 N. COMMERCIAL STREET
SUITE 175
NEENAH, WI 54956

PROPOSED TENANT BUILD-OUTS & DECK FOR:
ATLAS MILL
425 W. WATER ST/885F
APPLETON, WI 54911

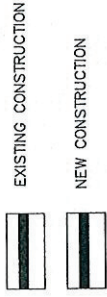
DATE: 05 APR 10
PROJECT NUMBER: 2010-01
SHEET: A-5



NEW COMPOSITE WOOD DECK AND STAIR

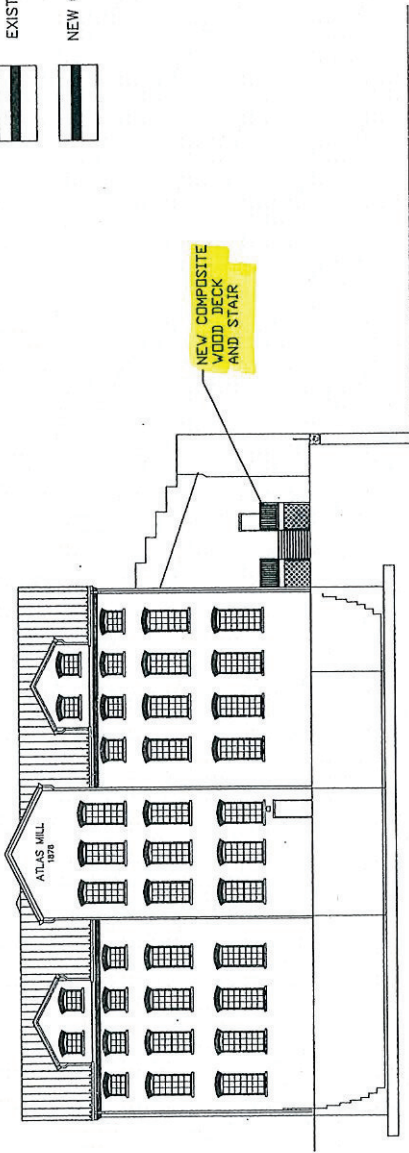
REMOVE EXIST'G WINDOW AS REQ'D FOR NEW DOOR RE-USE HEADER

SOUTH ELEVATION
SCALE: 1/16" = 1'



EXISTING CONSTRUCTION

NEW CONSTRUCTION



NEW COMPOSITE WOOD DECK AND STAIR

WEST ELEVATION
SCALE: 1/16" = 1'

Building permit: B10-0186