



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Agenda - Final-revised Safety and Licensing Committee

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Wednesday, January 26, 2022

5:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[22-0048](#) Approval of minutes from previous meeting.

**Attachments:** [S & L Minutes 1-12-22.pdf](#)

4. **Public Hearings/Apearances**

5. **Action Items**

[22-0046](#) Resolution #1-R-22 Intoxicated Bartender Ordinance

**Attachments:** [#1-R-22 Intoxicated Bartenders.pdf](#)  
[Intoxicated Bartender incidents 2021.pdf](#)

[22-0061](#) Request for Nuisance Ordinance Update

**Attachments:** [Nuisance Ordinance Memo revised .pdf](#)

[21-1744](#) Class "B" Beer and "Class C" Wine License application for Alpine Swift LLC, Adam Marty, Agent, located at 1016 E Pacific St, contingent upon approval from all departments.

**Attachments:** [Alpine Swift LLC.pdf](#)  
[StaffReport AlpineSwift SUP For01-12-22.pdf](#)  
[Resolution AlpineSwift SUP#4-21\\_SIGNED.pdf](#)

**Legislative History**

1/12/22 Safety and Licensing held  
Committee

[22-0007](#) Reserve "Class B" Liquor License application for Souvannapha Chomsisengphet d/b/a Basil Cafe, located at 1513 N Richmond St, contingent upon approval from all departments.

**Attachments:** [Basil Cafe.pdf](#)

- [21-1789](#) "Class A" Liquor License application for Bane Corporation d/b/a Appleton Mobil, Parmeet Arora, Agent, located at 1717 W College Ave, contingent upon approval from all departments.  
**Attachments:** [Appleton Mobil.pdf](#)
- [22-0030](#) Temporary Class "B" Beer and "Class B" Wine License application for St. Pius X, Gerry Graphos, Person in Charge, located at 500 W Marquette St, contingent upon approval from all departments.  
**Attachments:** [St Pius X Valentines Dinner S&L.pdf](#)
- [22-0050](#) Proposal to Modify the Duration of Farm Market Licenses.  
**Attachments:** [1-26-22 Farm Market License Change.pdf](#)

## 6. Information Items

- [22-0064](#) Alcohol License Application Review Process  
**Attachments:** [S&L - Alcohol License Application Review Process - NJV 01-25-2022.pdf](#)
- [22-0052](#) Special Events:  
Rally for Fair Maps, End Gerrymandering, Fair Maps Team, Houdini Plaza, January 21, 2022  
Avenue of Ice, Creative Downtown Appleton, College Ave amenity strip, beginning on February 18, 2022
- [22-0051](#) Police Department information on alcohol law violations.
- [22-0049](#) Director's Reports

## 7. Adjournment

*Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.*

*Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.*



# City of Appleton

100 North Appleton Street  
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www.appleton.org

## Meeting Minutes - Final Safety and Licensing Committee

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Wednesday, January 12, 2022

5:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order

*The meeting was called to order by Chair Van Zeeland at 5:30 p.m.*

2. Roll call of membership

**Present:** 5 - Reed, Schultz, Van Zeeland, Smith and Hartzheim

3. Approval of minutes from previous meeting

[21-1770](#)

Approval of minutes from previous meeting

**Attachments:** [S & L Minutes 12-8-21.pdf](#)

Hartzheim moved, seconded by Reed, that the Minutes be approved. Roll Call.  
Motion carried by the following vote:

**Aye:** 5 - Reed, Schultz, Van Zeeland, Smith and Hartzheim

4. Public Hearings/Appearances

5. Action Items

[21-1779](#)

Request from Fire Department to enter a contract with Purina Animal Nutrition to provide confined space services for their organization.

**Attachments:** [0029 - Purina Confined Space Agrm 12.22.21.pdf](#)  
[01-08-22 Purina Contract Memo.pdf](#)

Hartzheim moved, seconded by Smith, that the contract be recommended for approval. Roll Call. Motion carried by the following vote:

**Aye:** 5 - Reed, Schultz, Van Zeeland, Smith and Hartzheim

[21-1744](#)

Class "B" Beer and "Class C" Wine License application for Alpine Swift LLC, Adam Marty, Agent, located at 1016 E Pacific St, contingent upon approval from all departments.

**Attachments:** [Alpine Swift LLC.pdf](#)

**Smith moved, seconded by Schultz, that the alcohol license be held. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Reed, Schultz, Van Zeeland, Smith and Hartzheim

**Balance of the action items on the agenda.**

**Reed moved, Smith seconded, to approve the balance of the agenda. The motion carried by the following vote:**

**Aye:** 5 - Reed, Schultz, Van Zeeland, Smith and Hartzheim

[21-1736](#)

Class "B" Beer and "Class B" Liquor License application for Fox River House LLC d/b/a Fox River House, Cassidy Evers, Agent, located at 211 S Walnut St, contingent upon approval from all departments.

**Attachments:** [Fox River House.pdf](#)

[Fox River House SUP 17-03 Transfer Report 1-3-22Final.pdf](#)

**This Report Action Item was recommended for approval**

[21-1735](#)

Class "B" Beer and "Class C" Wine License application for Home Run Pizza LLC d/b/a Home Run Pizza, Jennifer M Cook, Agent, located at 1216 W Wisconsin Ave, contingent upon approval from all departments.

**Attachments:** [Home Run Pizza.pdf](#)

[Home Run Pizza SUP 6-14 Transfer Report 1-3-22Final.pdf](#)

**This Report Action Item was recommended for approval.**

[21-1762](#)

Temporary Class "B" Beer and "Class B" Wine License application for Global Outreach Catholic Exchange Program Inc, Dorothy Flees, Person in Charge, located at St. Bernard Catholic Church, 1617 W Pine St on February 12, 2022, contingent upon approval from all departments.

**Attachments:** [Global Outreach Catholic Exchange Program S&L.pdf](#)

**This Report Action Item was recommended for approval.**

**6. Information Items**

[21-1772](#) Grant Application for the Assistance to Firefighter's Grant for Paramedic Training

**Attachments:** [Grant Tracking Form \\$211,297.02.pdf](#)

**This Item was presented**

[21-1773](#) Grant Application for the Assistance to Firefighter's Grant for a Regional Radio Project

**Attachments:** [Grant Tracking Form \\$532,643.15.pdf](#)

**This Item was presented**

[21-1774](#) Director's Reports

1. City Clerk
  - Spring Primary Election
  - Redistricting Mailings
2. Police Chief
  - 2021 Preliminary Crime and Police Activity Data
3. Fire Chief

**Attachments:** [2021 Crime Data Report to Committee.pdf](#)

[21-1771](#) Police Department information on alcohol law violations.

*The following violations for Dispensing to a Minor:*

- Calaveras Fine Fusions
- Christiano's Pizza
- Appleton Yacht Club

7. Adjournment

**Smith moved, seconded by Reed, that the meeting be adjourned at 5:59 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Reed, Schultz, Van Zeeland, Smith and Hartzheim

**Resolution #1-R-22**  
**Intoxicated Bartender Ordinance**

*Submitted By:* Alderperson Smith

*Date:* 1/19/2022

*Referred To:* Safety & Licensing Committee

Whereas a need has been identified,

Be it resolved that the following resolution is submitted,

It shall be unlawful for the licensee or any employee of a licensed establishment to be under the influence of an intoxicant while performing alcohol beverage services on the licensed premises. Under the influence means that the individual has a blood alcohol content of 0.08 or more or otherwise has consumed a sufficient amount of alcohol, controlled substance, or combination of alcohol and controlled substances or any other drug, to cause the individual to be less able to exercise clear judgement and reasonable care in the exercise of services performed. If a law enforcement officer has probable cause that a violation of this section has occurred, the officer, prior to an arrest, may request the individual to provide a sample of his or her breath for a preliminary breath screening test using a device approved by the State of Wisconsin for this purpose. The officer may request the individual to provide subsequent sample(s) of his or her breath if the officer has probable cause to conduct further preliminary breath screening test(s). The result of the preliminary breath screening may be used by the law enforcement officer for the purpose of deciding whether or not the person shall be arrested for a violation of this section. Refusal to submit to a requested test may be considered by the Common Council as grounds for revocation, suspension, non-issuance, or non-renewal of the server's operator's license.



“Excellence in Police Service”

**Chief Todd Thomas**  
**Appleton Police Department**

222 South Walnut Street • Appleton, WI 54911-5899  
(920) 832-5500

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To: Chairperson Katie Van Zeeland, Safety and Licensing Committee  
Aldersperson Mike Smith

From: Chief Todd Thomas

Date: January 24, 2022

Subject: **Incidents involving intoxicated bartenders - 2021**

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Council Members,

Lt. Adam Nagel did research into the number of incidents where we needed to act on a bartender who was intoxicated. I attached the information he was able to locate, we know there were other incidents that did not rise to the level of a report or citation.

05/17/21

Appleton Officers responded to a disturbance at a bar on N. Richmond St. The bartender and patron were both involved in a physical fight. Both the bartender and patron were cited for Disorderly Conduct. The bartender submitted to a PBT which read 0.197. The officer indicated that alcohol was a contributing factor in the fight.

05/23/21

Appleton Officer conducts a traffic stop on a downtown bartender around bar close. Bartender smelled like alcohol. He claimed it was due to bartending and he had not been drinking. Bartender was arrested for OWI. The blood test came back at 0.202.

05/28/21

Appleton Officers responded to an anonymous complaint of a “very” intoxicated bartender at N. Richmond St bar. They arrived and observed the bartender was extremely intoxicated. They described her as being in no condition to be serving alcohol. She submitted to a PBT which read 0.245.

07/25/21

Appleton Officers responded to a complaint of loud music coming from W College Ave bar. Officers arrived at the bar and observed loud noise. Officers had contact with someone identifying themselves as the owner of the bar. This person had slurred speech and appeared to be highly intoxicated. When asked to vacate the bar at bar close, they argued with officers and were eventually cited for failing to vacate the bar. A PBT sample was not obtained.



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11/04/21

Appleton Officers received a complaint for a welfare check at a College Ave. bar. An anonymous person called dispatch and had a concern about an intoxicated bartender. Officers contacted the bartender. She was described as having slurred speech, redness in her eyes and was stumbling as she walked. The bartender in this case did not submit to a PBT and closed the bar.

12/30/21

At approximately 0255hrs officers noticed that an E Wisconsin Ave bar still had its lights and the OPEN sign on. When they arrived, they found multiple intoxicated people inside the bar. This included a person walking out of the business with two 24 packs of beer. The bar manager and an underage bartender were both intoxicated and no position to safely serve alcohol. Multiple citations issued. Both refused PBTs.

Lt. Nagel also spoke with the Neenah City Attorney about their ordinance. The Neenah ordinance was passed in 2013, before the current attorney was in their position. They looked through the notes for the council meeting at the time and were not able to find a specific reason for enacting the ordinance. They were clear that they don't randomly walk into establishments and PBT bartenders, and he is not aware of any citations being given, but they have used it a few times for educational purposes.

If the ordinance is passed by the council, we would anticipate the same approach. We would investigate only on a complaint or if we are in the establishment for another reason and have probable cause to believe that a bartender is in violation of the ordinance.

Chief Todd Thomas





Compassion . Integrity . Courage

Appleton Police Department

222 South Walnut Street  
Appleton, WI 54911 - 5899  
(920)832-5500  
Fax: (920)832-5553  
<http://www.appleton.org/police>

**To:** Chief Thomas  
**From:** Sgt. Biese  
**Re:** Request for Nuisance Ordinance Update  
**Date:** 01/20/22

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Dear Chief Thomas:

I am writing to request consideration of an ordinance update.

Appleton Municipal Code Sec. 12-141(4) defines a Chronic Nuisance Premise as it relates to drug nuisances as:

... a premises which has had one (1) enforcement action associated with the premises resulting from the manufacture, delivery or distribution of a controlled substance(s) as defined in Chapter 961 of the Wisconsin Statutes or a premises which is used as a meeting place of a criminal gang, or that is used to facilitate the activities of a criminal gang as defined in s.939.22(9), Wis. Stats.

This ordinance seems to parallel Wis. Stat. § 823.113(1), which defines a chronic nuisance premise as (emphasis added):

Any building or structure that is ***used to facilitate*** the delivery, distribution or manufacture, as defined in s. [961.01 \(6\)](#), [\(9\)](#) and [\(13\)](#) respectively, of a controlled substance, as defined in s. [961.01 \(4\)](#), or a controlled substance analog, as defined in s. [961.01 \(4m\)](#), and any building or structure where those acts take place, is a public nuisance and may be proceeded against under this section.

It appears that our ordinance is missing inclusion of the word “facilitate.” This may have occurred because the state law appears to have been created after our municipal ordinance was created. Regardless, this omission is more constrictive than its statutory counterpart and therefore creates a higher burden of proof for enforcement purposes.

I propose Municipal Code Sec. 12-141(4) be revised to include “facilitation of”, which I have bolded and italicized below:

Is a premises which has had one (1) enforcement action associated with the premises resulting from ***facilitation of*** the manufacture, delivery or distribution of a controlled substance(s) as defined in Chapter 961 of the Wisconsin Statutes or a premises which is used as a meeting place of a criminal gang, or that is used to facilitate the activities of a criminal gang as defined in s.939.22(9), Wis. Stats.

Finally, I have reviewed this modification with Deputy City Attorney Abshire who advised that this update is consistent with state law. Thank you for your consideration.

Sincerely,

Sgt. Christopher Biese 9144

Community Liaison Officer

# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

07/01/2021

For the license period beginning: ~~04/01/2022~~ ending: 06/30/2022  
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the:  Town of } Appleton  
 Village of }  
 City of }

County of Outagamie Aldermanic Dist. No. 2  
(if required by ordinance)

Check one:  Individual  Limited Liability Company  
 Partnership  Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number ●●●●●●●●●●●●●●●●●●●●	
FEIN Number ●●●●●●●●●●●●●●●●●●●●	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ 100
<input checked="" type="checkbox"/> Class C wine	\$ 100
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 60
<b>TOTAL FEE</b>	<b>\$ 260</b>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
Marty, Adam, John

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name <u>Marty</u>	(First) <u>Adam</u>	(Middle Name) <u>John</u>	Home Address (Street, City or Post Office, & Zip Code) <u>429 E Roosevelt St, Appleton, WI, 54911</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name <u>Marty</u>	(First) <u>Adam</u>	(Middle Name) <u>John</u>	Home Address (Street, City or Post Office, & Zip Code) <u>429 E Roosevelt St, Appleton 54911</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Alpine Swift Business Phone Number 920-840-0880  
 2. Address of Premises 1016 E Pacific St Post Office & Zip Code 54911

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

Restaurant  
During open restaurant hours wine + beer will be stored at the counter area in a cooler or a shelf. Also wine + beer will be stored on the lower level on shelves and racking.

4. Legal description (omit if street address is given above): \_\_\_\_\_  
 5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? .....  Yes  No  
 (b) If yes, under what name was license issued? \_\_\_\_\_

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** .....  Yes  No  
*serve safe Alcohol*
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? .....  Yes  No  
**If yes, explain.**
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** .....  Yes  No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 11-23-21 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** .....  Yes  No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.**  Yes  No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] .....  Yes  No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] .....  Yes  No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? .....  Yes  No

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <i>Marty, Adam, J</i>	Title/Member <i>President</i>	Date <i>11/23/21</i>
Signature <i>Ad Marty</i>	Phone Number ●●●●●●●●	Email Address ●●●●●●●●

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk <i>11/24/21</i>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license Issued	License number issued	



## City of Appleton Alcohol License Questionnaire

1. Name of Applicant: Adam Marty

2. Name of Business: Alpine Swift

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) \_\_\_\_\_

3. Address of Business: 1016 E Pacific st

4. Have you or any member of your organization ever been convicted of a misdemeanor or ordinance violation? Yes \_\_\_\_\_ No X

AND/OR been convicted of a felony? Yes \_\_\_\_\_ No X

If yes to either question, please explain in detail below:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. List all partners, shareholders or investors of your business. Include full name, middle initial and date of birth. Please use additional sheets if necessary.

<u>Adam</u>	<u>J</u>	<u>Marty</u>	<u>● / ● / ●</u>
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth
			/ /
First name	M.I.	Last name	Date of Birth
			/ /

6. Name of person/corporation you are buying the premise and equipment from?

Name: NICK Van Grinsven

First name Middle Initial Last name

Address: 920 E Hyland ave Kaukaun WI 54130

City State ZIP

7. What was the previous name and primary nature of the business operating at this location?

Name: PPP

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) \_\_\_\_\_

8. Was this premise licensed for alcohol sales/consumption during the past license year?

Yes \_\_\_\_\_ If yes, please contact the Community and Economic Development Department at 832-6468 about obtaining a copy of an existing Special Use Permit and related requirements that may run with property.

No  If no, please contact the Community and Economic Development Department at 832-6468 about obtaining a Special Use Permit. A Special Use Permit may be required for your business activity prior to the issuance of a Liquor License, pursuant to the City of Appleton Zoning Ordinance.

9. If alcohol sales were a previous use in this building, when did the operation cease?

N/A months ago.

10. Seating capacity: Inside 30 Outside 0

11. Operating hours (Inside the building): 4-9  
Operating hours (Outdoor seating areas): N/A

12. Employees/Staff

Number of floor personnel 5 Number of door checkers 1

13. In general, state the size and operational details of the proposed establishment:

a. Gross floor building area of the premises to be licensed: 1000 square feet.

b. Gross outdoor seating areas of the premises to be licensed: 0 square feet.

c. Below, identify the operational details of the proposed establishment:

we plan to open a community based restaurant open for  
dinner 4 nights a week. We will serve pizza, shareables,  
salad and dessert.

Ad Mart  
Signature

11-23-21  
Date

# Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of:  Town  
 Village of APPLETON County of Outagamie  
 City

The undersigned duly authorized officer/member/manager of Alpine Swift  
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Alpine Swift  
(Trade Name)

located at 1016 E Pacific st, Appleton, WI, 54911

appoints Adam Marty  
(Name of Appointed Agent)

429 E Roosevelt st, Appleton, WI, 54911  
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes  No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course?  Yes  No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 8 years 3 months

Place of residence last year 429 E Roosevelt st, Appleton, WI, 54911

For: Alpine Swift  
(Name of Corporation / Organization / Limited Liability Company)

By: Ad Marty  
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

## ACCEPTANCE BY AGENT

I, Adam Marty, hereby accept this appointment as agent for the  
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Ad Marty 11-23-21  
(Signature of Agent) (Date)

Agent's age           

429 E Roosevelt st, Appleton, WI, 54911  
(Home Address of Agent)

Date of birth           

## APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on \_\_\_\_\_ by \_\_\_\_\_ Title \_\_\_\_\_  
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** January 12, 2022

**Common Council Meeting Date:** January 19, 2022

**Item:** Special Use Permit #4-21 for restaurant with alcohol sales and service

**Case Manager:** David Kress, Principal Planner

### **GENERAL INFORMATION**

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**Owner:** SNP Enterprises, LLC

**Applicant:** Alpine Swift c/o Adam Marty

**Address/Parcel #:** 1016 East Pacific Street (Tax Id #31-1-0843-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for alcohol sales and service in conjunction with a restaurant.

### **BACKGROUND**

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The subject area is located at the northeast corner of East Pacific Street and North Tonka Street. Based on Assessor's Office records, personal services (photography studio) was the previous use of the property. The applicant recently applied for a Liquor License that includes Class B beer and Class C wine, which is on track to go to Safety and Licensing Committee on January 12<sup>th</sup> and Common Council on January 19<sup>th</sup>.

On November 15, 2021, the Board of Zoning Appeals approved a variance for the subject property. The variance allows a restaurant with an occupancy of 30 persons to provide no off-street parking. A variance was previously approved by the Board of Zoning Appeals on August 20, 2007 to allow a photography studio at this location with one off-street parking space.

### **STAFF ANALYSIS**

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**Project Summary:** The applicant proposes to establish a restaurant with alcohol sales and service on the subject site, which would occupy the existing building that is approximately 1,008 square feet in size. Based on the attached development plan, this request will not increase existing building area. Per the Inspections Division, 30 persons (including staff) would be the maximum number of occupants for the space.

**Operational Information:** A plan of operation is attached to the staff report.

**Outdoor Seating Area:** No outdoor alcohol sales and service is requested with this application.

**Existing Site Conditions:** The existing single-story building totals approximately 1,008 square feet on the ground floor. The 0.03-acre site also includes a paved driveway east of the building, with a curb cut on East Vine Street.



**Special Use Permit #4-21**  
**January 12, 2022**  
**Page 2**

**Current Zoning and Procedural Findings:** The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a restaurant with alcohol sales and service requires a Special Use Permit in the C-2 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 vote of the Common Council is required for approval.

**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 residential in nature.

North: R-1C Central City Residential District. The adjacent land uses to the north are currently single-family residential.

South: R-2 Two-Family District and R-1C Central City Residential District. The adjacent land uses to the south are currently a mix of duplexes and single-family residential.

East: R-1C Central City Residential District and R-2 Two-Family District. The adjacent land uses to the east are currently a mix of single-family residential and duplexes.

West: R-1C Central City Residential District. The adjacent land uses to the west are currently single-family residential.

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with goals and objectives found in the City's *Comprehensive Plan 2010-2030*. 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 9.5 Economic Development:*

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

*OBJECTIVE 10.2 Land Use:*

*Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.*

*Chapter 14 Downtown Plan, Initiative 3 Neighborhood and Residential Development:*

*Strategy 3.3 – Promote development of neighborhood serving businesses and amenities to meet the basic shopping and service needs of downtown and nearby residents.*

**Technical Review Group (TRG) Report:** This item appeared on the December 7, 2021 TRG agenda.

- Inspections Division Comments: Had a chance to work with the applicant on total occupants. We determined based on code allowances that 30 would be the maximum for the space. That number includes his staff.
- Police Department Comments: There is parking available on Pacific Street eastbound and one side of Tonka Street and Vine Street; however, they will need to be aware of the possibility of patrons parking too close to driveways. On-street parking rules are as follows: Must be within one foot of the curb; Must stay four feet away from the driveway apron; Must have two feet between cars; Must be ten feet away from fire hydrant; Must be fifteen feet from a crosswalk.

**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.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, however, the Board of Zoning Appeals approved a variance that allows a restaurant with an occupancy of 30 persons to provide no off-street parking. Therefore, off-street parking spaces are not required for the applicant's request.

**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 analysis, that Special Use Permit #4-21 for a restaurant with alcohol sales and service located at 1016 East Pacific Street (Tax Id #31-1-0843-00), 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 a Liquor License is also needed prior to serving alcohol.*

**Special Use Permit #4-21**

**January 12, 2022**

**Page 4**

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

3. The site shall be kept free of litter and debris.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

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 is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

5. The serving and consumption of alcohol is limited to the interior ground floor of the building, as identified on the attached development plan drawings. 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.

*Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.*

6. This Special Use Permit is needed for on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

*Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.*

**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #4-21  
RESTAURANT WITH ALCOHOL  
1016 EAST PACIFIC STREET**

**WHEREAS**, Adam Marty, Alpine Swift, has applied for a Special Use Permit for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-0843-00; and

**WHEREAS**, the location for the proposed restaurant with alcohol sales and service is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on January 12, 2022 on Special Use Permit #4-21, at which all those wishing to be heard were allowed to speak or present written comments and other materials 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, as well as 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) 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 #4-21 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 January 19, 2022.

**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 under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #4-21 for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-0843-00, 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 #4-21 for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-

0843-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

**CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #4-21**

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
  - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
  - C. The site 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 serving and consumption of alcohol is limited to the interior ground floor of the building, as identified on the attached development plan drawings. 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.
  - F. This Special Use Permit is needed for on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
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.

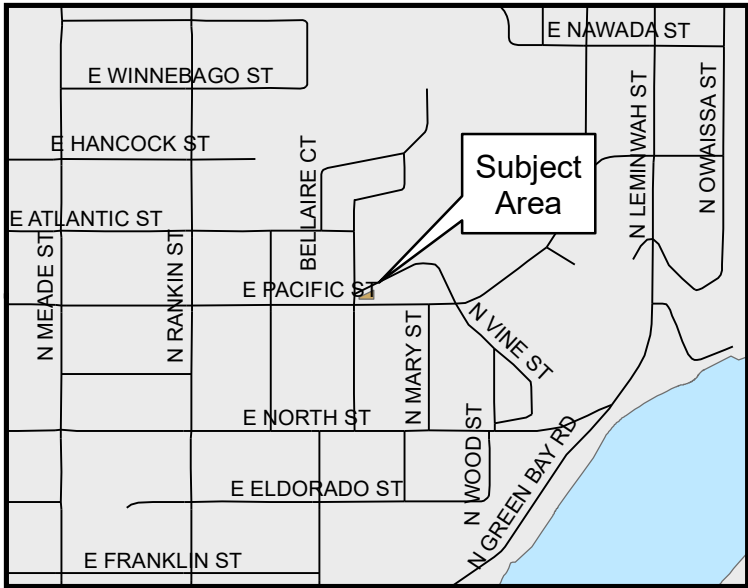
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jacob A. Woodford, Mayor

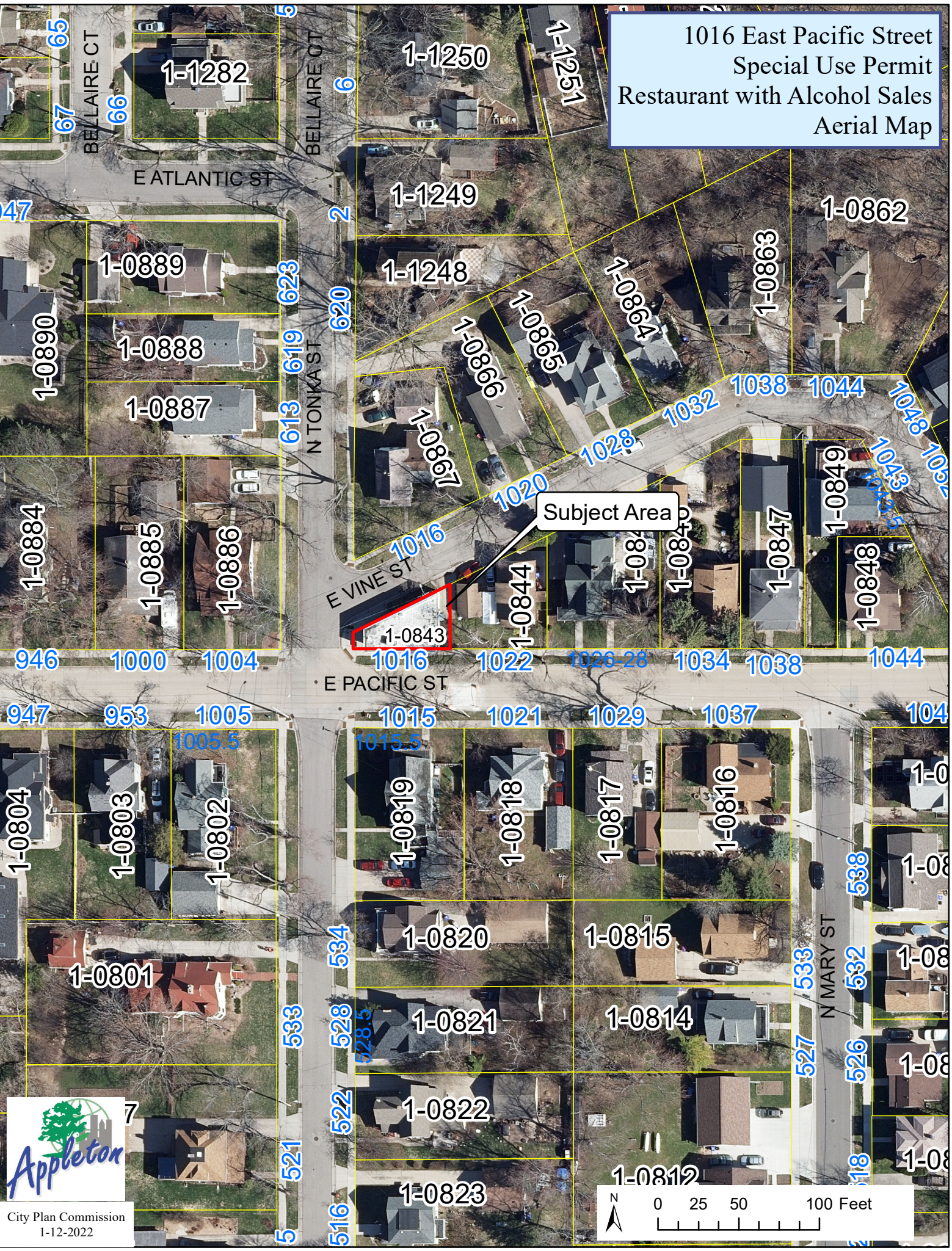
ATTEST:

\_\_\_\_\_  
Kami Lynch, City Clerk

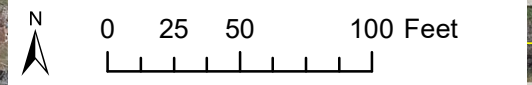
**1016 East Pacific Street  
Special Use Permit  
Restaurant with Alcohol Sales  
Zoning Map**



1016 East Pacific Street  
 Special Use Permit  
 Restaurant with Alcohol Sales  
 Aerial Map



City Plan Commission  
 1-12-2022



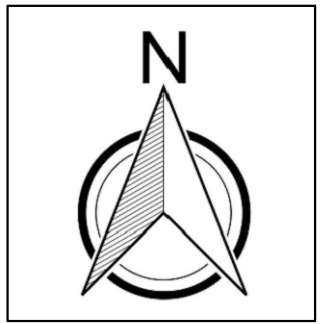
# SITE PLAN

1016 E Pacific Street  
Appleton, WI 54911

Parcel ID: 31-1-0843-00

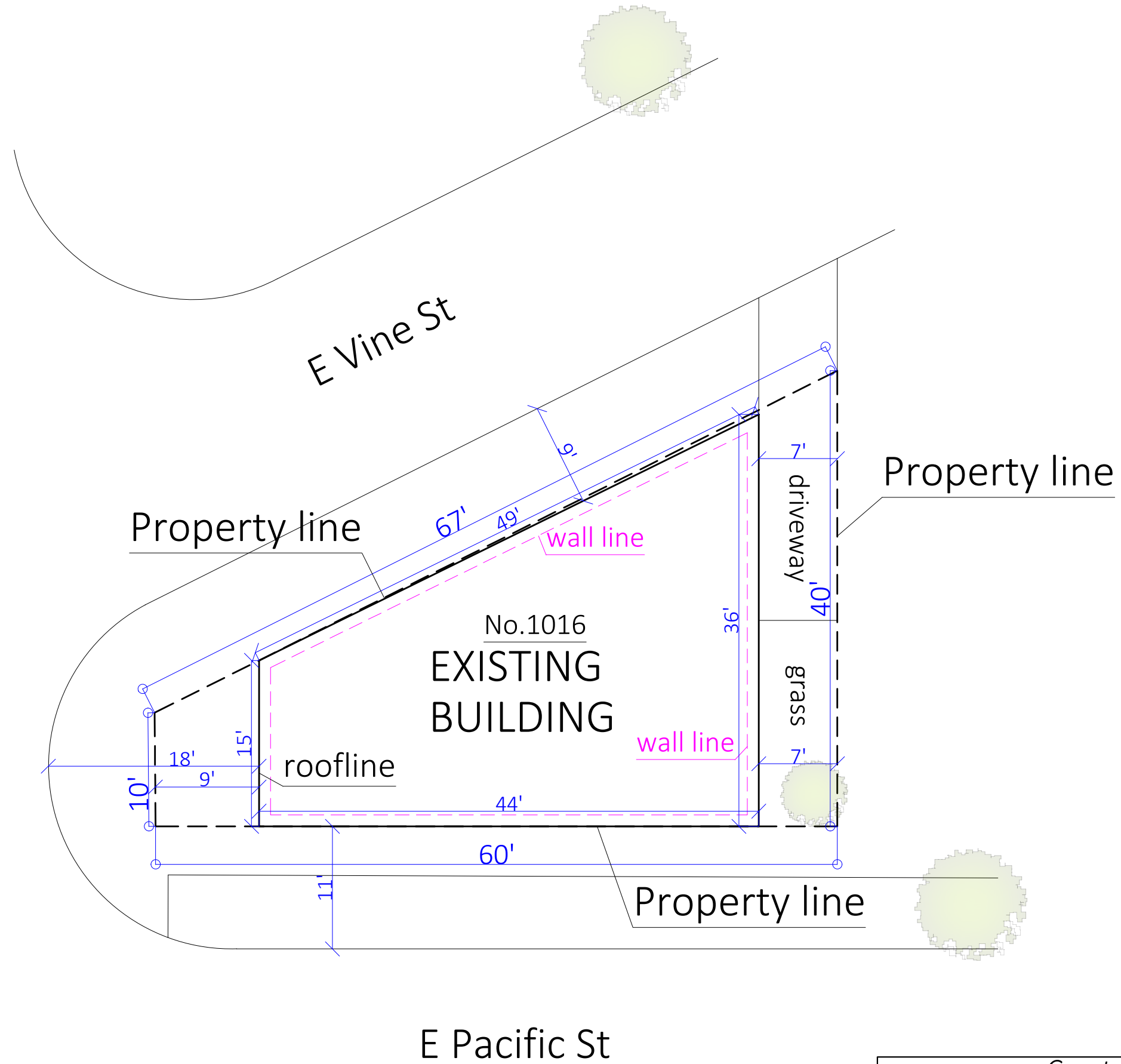
Lot area: 0.03 Acres

Plot Size: 11"x17"



scale 1"=10'

N Tonka St

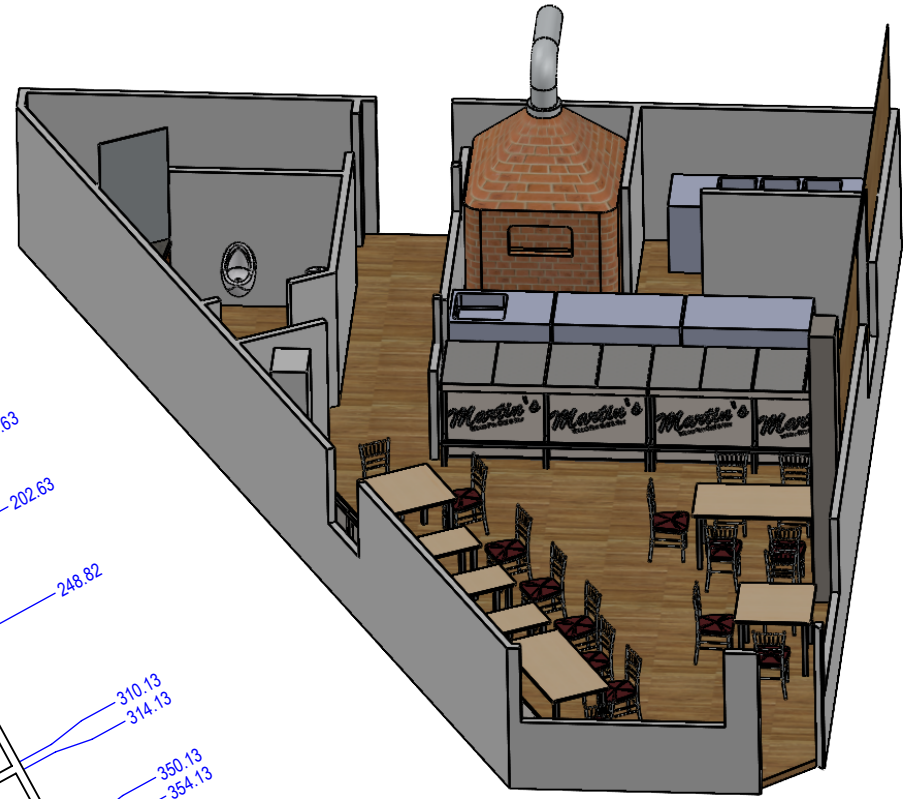
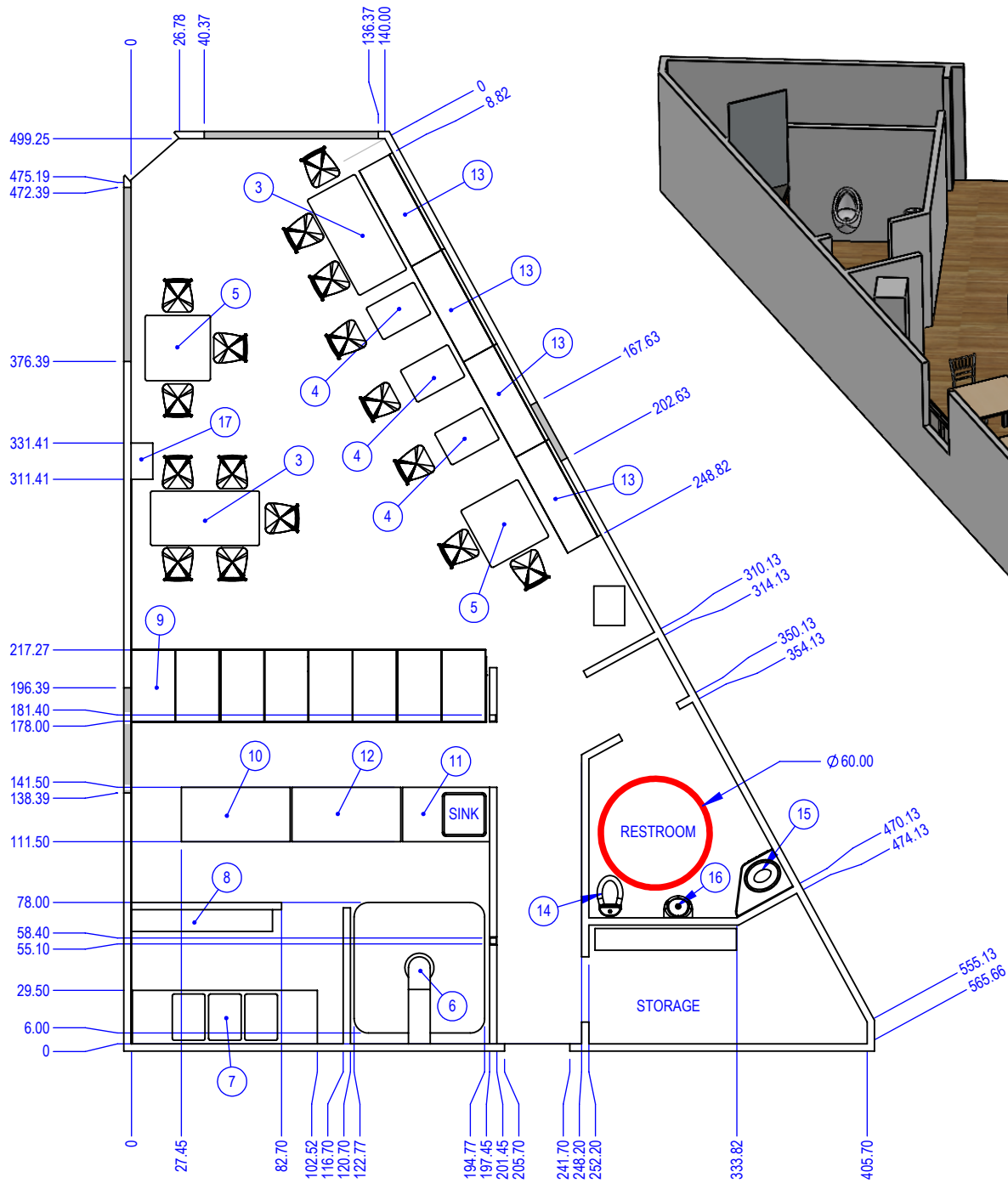


Created by:





ITEM NO.	DESCRIPTION	QTY
1	FLOOR BASE	1
2	WALLS	1
3	TABLE ASSEMBLY 60X30	2
4	TABLE ASSEMBLY 30X20	3
5	TABLE ASSEMBLY 36X36	2
6	OVEN	1
7	TRIPPLE SINK	1
8	SHELVING	2
9	BAR ASSEMBLY	1
10	WORK TABLE - 60 X 30	1
11	WORK TABLE - 48 X 30	1
12	COOLER - 60 X 30	1
13	BENCH ASSEMBLY	2
14	TOILET	1
15	BATHROOM SINK	1
16	URINAL	1
17	AIR DUCT	1
18	WOOD PANEL WALL	1



**JD Industries LLC**  
 4330 Zane Ave N.  
 Crystal, MN 55422  
 justin@jd-industries.com

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Unless Otherwise Stated:  
 Linear Tol.: ±0.005", Angular Tol.: 1°  
 Surface Finish: 0.8µm  
 All Dimensions: INCHES

Scale: 1:90  
 Sheet: 1 of 1  
 Sheet Size: A4



Third Angle  
 Config: Default  
 Weight: 70108.0  
 65

Title **Building Assembly**  
 Assembly:  
 Location: D:\OneDrive\Solidworks\Martin's\FloorPlan\

Finish:  
 Color:

Part No.: **NA**

Client:  
 Updated: 10/13/2021  
 Drawn By: justin  
 Drawn Date: 8/20/2021  
 Revision: 0

## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business information:

Name of business: Alpine Swift

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 \_\_\_\_\_

Detailed explanation of proposed business activities:

We propose to open a community based restaurant serving Pizza, Shareables, Salads and dessert. We plan to be open 4 days a week serving Beer and wine only.

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

(square feet) 1000

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

(square feet) no change

**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: 30 persons.

**Proposed Hours of Operation for Indoor Uses:**

Day	From	To
Monday thru Thursday	4 pm	9 pm
Friday	4 pm	10 pm
Saturday	4 pm	10 pm
Sunday	Closed	Closed

**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: \_\_\_\_\_ 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:

A minimal exhaust fan noise

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

Staff will monitor crowd noise levels inside and outside premises.

**Off-Street Parking:**

Number of spaces existing on-site: 1

Number of spaces proposed on-site: 1

**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?

yes, street access is adequate 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:

None

**Number of Employees:**

Number of existing employees: 1

Number of proposed employees: 5

Number of employees scheduled to work on the largest shift: 5

**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #4-21  
RESTAURANT WITH ALCOHOL  
1016 EAST PACIFIC STREET**

**WHEREAS**, Adam Marty, Alpine Swift, has applied for a Special Use Permit for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-0843-00; and

**WHEREAS**, the location for the proposed restaurant with alcohol sales and service is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on January 12, 2022 on Special Use Permit #4-21, at which all those wishing to be heard were allowed to speak or present written comments and other materials 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, as well as 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) 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 #4-21 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 January 19, 2022.

**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:

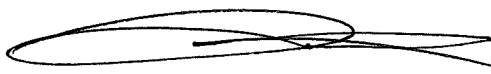
1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #4-21 for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-0843-00, 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 #4-21 for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-

0843-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

**CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #4-21**

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
  - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
  - C. The site 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 serving and consumption of alcohol is limited to the interior ground floor of the building, as identified on the attached development plan drawings. 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.
  - F. This Special Use Permit is needed for on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
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 19th day of January, 2022.

  
\_\_\_\_\_  
Jacob A. Woodford, Mayor

ATTEST:

  
\_\_\_\_\_  
Kami Lynch, City Clerk

# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07/01/2021 ending: 06/30/2022  
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the:  Town of } APPLETON  
 Village of }  
 City of }

County of OUTAOUAIE Aldermanic Dist. No. \_\_\_\_\_  
 (if required by ordinance)

Check one:  Individual  Limited Liability Company  
 Partnership  Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number ●●●●●●●●●●	
FEIN Number ●●●●●●●●●●	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$ 500
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 60
<b>TOTAL FEE</b>	<b>\$ 560</b>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
CHOUSSERUPHET, SOUVANNAPIHA

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name BASIL CAFE Business Phone Number (920) 830-6741  
 2. Address of Premises 1513 N RICHMOND ST. Post Office & Zip Code 54915

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)  
FULL SERVICE RESTAURANT, APPROX 6,000 SQ FT. SERVING IN 2 DINING ROOMS AND A LOUNGE AND BAR SEATING AREA LIQUOR / BEER / WINE WILL BE STORED IN OUR DRY STORAGE INVENTORY ROOM AS WELL AS OUR BAR BACK AREA AND BEER COOLERS.

4. Legal description (omit if street address is given above): \_\_\_\_\_

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? .....  Yes  No  
 (b) If yes, under what name was license issued? SOU CHOUSSERUPHET D/B/A BASIL CAFE



6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** .....  Yes  No
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? .....  Yes  No  
**If yes, explain.**
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** .....  Yes  No
9. (a) **Corporate/limited liability company applicants only:** Insert state \_\_\_\_\_ and date \_\_\_\_\_ of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** .....  Yes  No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.**  Yes  No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] .....  Yes  No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] .....  Yes  No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? .....  Yes  No

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <b>DEWALAK CHUMSISEMWHET, SCAPALYA</b>	Title/Member <b>GENERAL MANAGER</b>	Date <b>1/11/2022</b>
Signature <i>[Handwritten Signature]</i>	Phone Number <b>[REDACTED]</b>	Email Address <b>[REDACTED]</b>

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk <b>1-17-22</b>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



# City of Appleton Alcohol License Questionnaire

1. Name of Applicant: SOUVANNAPHA CHOMSISENGPHET

2. Name of Business: BASIL CAFE

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) \_\_\_\_\_

3. Address of Business: 1513 N RICHMOND ST. APPLETON, WI 54914

4. Have you or any member of your organization ever been convicted of a misdemeanor or ordinance violation? Yes \_\_\_\_\_ No X

AND/OR been convicted of a felony? Yes \_\_\_\_\_ No X

If yes to either question, please explain in detail below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. List all partners, shareholders or investors of your business. Include full name, middle initial and date of birth. Please use additional sheets if necessary.

<u>SOUVANNAPHA</u>		<u>CHOMSISENGPHET</u>	
First name	M.I.	Last name	Date of Birth
First name	M.I.	Last name	Date of Birth
First name	M.I.	Last name	Date of Birth
First name	M.I.	Last name	Date of Birth

6. Name of person/corporation you are buying the premise and equipment from?

Name: \_\_\_\_\_  
First name Middle Initial Last name

Address: \_\_\_\_\_  
City State ZIP

7. What was the previous name and primary nature of the business operating at this location?

Name: BASIL CAFE

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) \_\_\_\_\_

8. Was this premise licensed for alcohol sales/consumption during the past license year?

*CJ* Yes  If yes, please contact the Community and Economic Development Department at 832-6468 about obtaining a copy of an existing Special Use Permit and related requirements that may run with property.

No  If no, please contact the Community and Economic Development Department at 832-6468 about obtaining a Special Use Permit. A Special Use Permit may be required for your business activity prior to the issuance of a Liquor License, pursuant to the City of Appleton Zoning Ordinance.

9. If alcohol sales were a previous use in this building, when did the operation cease?

*CURRENTLY OPERATING* \_\_\_\_\_ months ago.

10. Seating capacity: Inside 123 Outside N/A

11. Operating hours (Inside the building): TUE-FRI 11AM-2PM | 4:30-12AM ; SAT NOON-MIDNIGHT  
Operating hours (Outdoor seating areas): \_\_\_\_\_

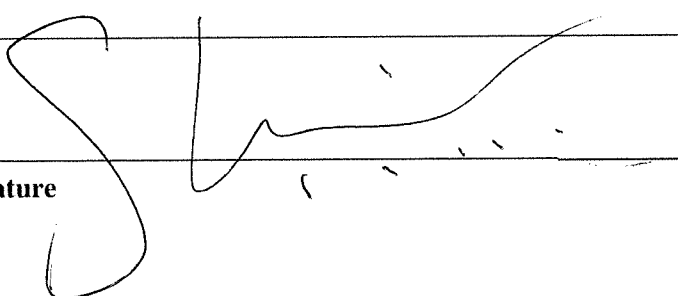
12. Employees/Staff

Number of floor personnel 6-8 Number of door checkers 1-2

13. In general, state the size and operational details of the proposed establishment:

- a. Gross floor building area of the premises to be licensed: 5,000 SQ FT square feet.
- b. Gross outdoor seating areas of the premises to be licensed: N/A square feet.
- c. Below, identify the operational details of the proposed establishment:

FULL SERVICE RESTAURANT WITH A BEER/WINE LICENSE ALREADY;  
JUST LOOKING TO ADD A LIQUOR LICENSE FOR CRAFT COCKTAILS.



Signature

7 JAN 2022

Date

# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07/01/2021 ending: 0630/2022  
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the:  Town of } Appleton  
 Village of }  
 City of }

County of Outagamie Aldermanic Dist. 11  
 (if required by ordinance)

Check one:  Individual  Limited Liability Company  
 Partnership  Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number [REDACTED]	
FEIN Number [REDACTED]	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input checked="" type="checkbox"/> Class A liquor	\$ <u>360</u>
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
<b>TOTAL FEE</b>	\$ <u>360</u>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
Banee Corporation

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Arora</u>	<u>Parmeet</u>	<u>Kaur</u>	<u>8176 Basil CT Neenah, WI 54956</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Appleton Mobil Business Phone Number 920-731-4734

2. Address of Premises 1717 W College Ave Appleton Post Office & Zip Code 54914

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

Convenience Store, one building  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

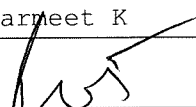


4. Legal description (omit if street address is given above): \_\_\_\_\_

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? .....  Yes  No

(b) If yes, under what name was license issued? Parmeet Arora

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** .....  Yes  No
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? .....  Yes  No  
**If yes, explain.**
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** .....  Yes  No
9. (a) **Corporate/limited liability company applicants only:** Insert state \_\_\_\_\_ and date \_\_\_\_\_ of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** .....  Yes  No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.**  Yes  No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] .....  Yes  No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] .....  Yes  No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? .....  Yes  No

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) Arora Parmeet K	Title/Member Owner	Date 07/27/20
Signature 	Phone Number 	Email Address 

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk 1-10-22	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



# City of Appleton

## Alcohol License Questionnaire

1. Name of Applicant: Parmeet K. Arora

2. Name of Business: Appleton mobil

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) Convenience store

3. Address of Business: 1717 W. College Ave Appleton, WI

4. Have you or any member of your organization ever been convicted of a misdemeanor or ordinance violation? Yes \_\_\_\_\_ No X

AND/OR been convicted of a felony? Yes \_\_\_\_\_ No X

If yes to either question, please explain in detail below:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. List all partners, shareholders or investors of your business. Include full name, middle initial and date of birth. Please use additional sheets if necessary.

First name	M.I.	Last name	Date of Birth

6. Name of person/corporation you are buying the premise and equipment from?

Name: PARMEET K. ARORA  
 First name Middle Initial Last name

Address: 8176 BASIL CT NIZNAM WI 54956  
 City State ZIP

7. What was the previous name and primary nature of the business operating at this location?

Name: Appleton Citygo

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) Convenience Store

8. Was this premise licensed for alcohol sales/consumption during the past license year?

Yes  If yes, please contact the Community and Economic Development Department at 832-6468 about obtaining a copy of an existing Special Use Permit and related requirements that may run with property.

No  If no, please contact the Community and Economic Development Department at 832-6468 about obtaining a Special Use Permit. A Special Use Permit may be required for your business activity prior to the issuance of a Liquor License, pursuant to the City of Appleton Zoning Ordinance.

9. If alcohol sales were a previous use in this building, when did the operation cease?

0 months ago.

10. Seating capacity: Inside 0 Outside 0

11. Operating hours (Inside the building): 6 AM - 12 AM  
Operating hours (Outdoor seating areas): \_\_\_\_\_

12. Employees/Staff  
Number of floor personnel 3 Number of door checkers 0

13. In general, state the size and operational details of the proposed establishment:

- a. Gross floor building area of the premises to be licensed: \_\_\_\_\_ square feet.
- b. Gross outdoor seating areas of the premises to be licensed: 0 square feet.
- c. Below, identify the operational details of the proposed establishment:

store with no seating area, we currently sell beer.

[Signature]  
Signature

7/28/21  
Date

# Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of:  Town  
 Village of Appleton County of Outagamie  
 City

The undersigned duly authorized officer/member/manager of Banee Corp  
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Appleton Mobil  
(Trade Name)

located at 1717 W College Ave Appleton, WI 54914

appoints Parmeet Kaur Arora  
(Name of Appointed Agent)  
8176 Basil CT Neenah, WI 54956  
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

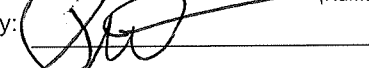
Yes  No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course?  Yes  No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 6 yrs

Place of residence last year 8176 Basil CT Neenah, WI 54914

For: Banee Corp  
(Name of Corporation / Organization / Limited Liability Company)


By:   
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

## ACCEPTANCE BY AGENT

I, Parmeet Arora, hereby accept this appointment as agent for the  
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

 7/28/21  
(Signature of Agent) (Date)  
8176 BASIL CT  
(Home Address of Agent)  
Agent's age 28  
Date of birth 01/01/93

## APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on \_\_\_\_\_ by \_\_\_\_\_ Title \_\_\_\_\_  
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)





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

<b>FEES ARE NON-REFUNDABLE</b>	Date Rec'd <u>1/18/22</u>
License Fee - \$10.00 per event	Acct Code: CLCSPB
Investigation Fee _____ + 7.00	Acct Code: CLCIF
Total Amount Paid <u>17</u>	Receipt <u>3067-2</u>

**Application for Temporary Class "B" Beer or "Class B" Wine License**

\*Application MUST be on file for 10 days prior to event, please allow 2-3 weeks for processing\*

<b>The named organization applies for: (Please check one or both)</b>					
<input checked="" type="checkbox"/> A temporary Class "B" license to sell FERMENTED MALT BEVERAGES at picnics or similar gathering under s. 125.26(6) Wis. Stats.					
<input checked="" type="checkbox"/> A temporary "Class B" license to sell WINE at picnics or similar gathering under s. 125.51(10) Wis. Stats. (Limit 2 licenses in a 12 month period)					
<b>SECTION 1 – ORGANIZATION INFORMATION – Answer all questions completely. Please PRINT clearly</b>					
Name of Organization (Bona fide club, lodge or society, veteran's organization or fair association) <u>St Pius X</u>				Date Organized <u>1950</u>	
Address <u>500 W. Marquette St.</u>		City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>	
Person in Charge of Event:  Name: Last <u>Graphos</u>			First <u>Gerry</u>	M.I. <u>P</u>	Date of Birth <u>●●●●●●</u>
Address <u>1403 Silvercrest DR.</u>		City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>	Person in charge phone number: <u>●●●●●●●●</u>
President	Last <u>Pastor Jegenheimer FR.</u>	First <u>JIM</u>	Middle Initial <u>R</u>	Date of Birth <u>●●●●●●</u>	Male <input checked="" type="checkbox"/>
Address <u>500 W. Marquette St.</u>		City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>	
Vice President	Last	First	Middle Initial	Date of Birth	Male
Address		City	State	Zip	
Secretary	Last	First	Middle Initial	Date of Birth	Male
Address		City	State	Zip	
Treasurer	Last <u>Mares</u>	First <u>Charlie</u>	Middle Initial <u>W</u>	Date of Birth <u>●●●●●●</u>	Male <input checked="" type="checkbox"/>
Address <u>1500 S. Clara St.</u>		City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>	
<b>SECTION 2 – EVENT INFORMATION SECTION</b>					
Date(s) of Event: Beginning <u>02/12/22</u>		Ending: <u>02/12/22</u>		Hours <u>1:00 AM/PM</u> <u>11:55 AM/PM</u>	
Please describe the type of event you are going to have: <u>Valentine Spaghetti Diner</u>					
Do you plan to serve food at this event?			If yes, contact the Appleton Health Department. (920.832.6429)		
Location where beer or wine will be sold or served: <u>St Pius X 500 W. Marquette Basement Cafe</u>					
Address <u>500 W. Marquette</u>		City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>	
Describe actual location and dimensions of area to be licensed below: - BE PRECISE! <u>This is for a Valentines Diner in</u>			Will minors be present?		No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>
			If yes, how will you prevent minors from obtaining alcoholic beverages? <u>Check ID's</u>		
<b>SECTION 3 – PENALTY SECTION</b>					
This application must be on file in the Office of the City Clerk for at least ten (10) business days prior to granting the license. If the event will last more than four (4) days, the application shall be filed 15 days prior to the granting of the license. This organization also agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages if the license is granted. The officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.					
Signature of Officer <u>[Signature]</u>					
<b>FOR OFFICE USE ONLY</b>					
Dept.	Approve	Deny	By	Reason	
Police					
Fire					
Health					
Inspection					
S&L <u>1-26-22</u>		Date Issued		Exp. Date	License Number



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LEGAL SERVICES DEPARTMENT

Office of the City Clerk

**Kami Lynch, Clerk**

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

Fax: 920/832-5823

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**To: Katie Van Zeeland, Safety & Licensing Committee Chair, Safety & Licensing Committee Members**

**From: Kami Lynch, City Clerk**

**Date: January 20, 2022**

**Re: Recommendation to change the Farmers Market License duration**

**Sec. 9-816** of the municipal code relating to Farmers Markets reads:

*License required. Each farm market shall have an individual designated as agent. Each market shall be licensed annually by the City. The term shall be the calendar year, and all licenses shall expire or terminate on December 31 of each year.*

This provision does not adequately conform to the ways in which our farm markets currently operate. For example, ADI hosts a farm market in the summer and also hosts a winter farm market. Because the nature, location, and vendors of the two farm markets are substantially different, two separate licenses are required. The winter farm market typically runs from October/November through March/April. Per our code as it is written, the winter farm market then requires two licenses as it crosses into a new calendar year.

Therefore, it is proposed that Sec. 9-816 of the municipal code relating to Farmers Markets be revised to read:

*License required. Each farm market shall have an individual designated as agent. Each market shall be licensed ~~annually~~ by the City. The term shall be a maximum duration of 6 months ~~the calendar year, and all licenses shall expire or terminate on December 31 of each year.~~*

If there are any questions related to this proposal, please do not hesitate to contact me.

Respectfully,

Kami Lynch, City Clerk



## LEGAL SERVICES DEPARTMENT

### Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

**TO:** Ald. Katie Van Zeeland, Chair of Safety & Licensing Committee  
Members of the Safety & Licensing Committee

**FROM:** Nicholas J. Vande Castle, Assistant City Attorney

**DATE:** January 25, 2022

**RE:** Alcohol License Application Review Process

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This memo is written in response to the Safety and Licensing Chair's request for clarification related to liquor and beer license application process.

At the outset, it is important to understand that only two situations require a retail license: the first whenever there is a direct or indirect charge for alcohol; the second is when alcohol beverages are consumed in a public place. Approval of a license application grants the applicant the right to sell the specified alcohol at the location described in the application.

When considering a *new* alcohol beverage license, the Safety and Licensing Committee ("S&L") should consider implications for the public health, safety, and welfare of the community. Possible considerations for denial could include: (1) adverse impact on traffic; (2) adverse impact on the peace, quiet and cleanliness of the neighborhood where the establishment is located; (3) insufficient parking for patrons; (4) proximity to other licensed establishments, residential areas, schools, churches, or hospitals; (5) ability or inability of the police to provide law enforcement services to the new establishment and the impact of the new establishment on the ability of the police to provide law enforcement services to the balance of the community at all times. S&L may either approve or deny a new application. If a denial is recommended, the committee must articulate specific reasons for the denial.

The City Plan Commission ("Plan") may review an application for a special use permit associated with the same entity dependent upon the zoning of the property. If the applicant for a special use permit meets or agrees to meet all of the requirements and conditions specified in the Municipal Code or those imposed by Plan and/or Common Council, the City shall grant the special use permit. Any condition imposed must be related to the purpose of the Code and based on substantial evidence. The conditions that are placed on the special use, including approval by all city departments, must be met before the special use permit is granted. The approval of a permit allows for the service of alcohol at the location. Standards for granting special use permits are set forth in Sec. 23-66(e) of the Code as well as attached to this memorandum.

CL: A19-1099

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Christopher R. Behrens  
*City Attorney*

Amanda K. Abshire  
*Deputy City Attorney*

Darrin M. Glad  
*Assistant City Attorney*

Nicholas J. Vande Castle  
*Assistant City Attorney*

## 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.