



MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Plan Commission
From: Lily Paul, Associate Planner
Date: March 30, 2023
Re: Outdoor Alcoholic Beverage Area Alternative Entrance – 313 Dodge

Building owner Mark Abel and business owner Kyle Megna are working with contractors to expand their current Outdoor Alcoholic Beverage Area (Patio/Deck/Beer Garden). This patio will connect to their current raised deck and be built entirely over the driveway of the property. The driveway is not used for vehicular service. The driveway has been used as an outdoor service area through a COVID-19 Temporary Outdoor Seating Permit. The extension for that permit has ended and this new construction will make it a permanent structure under their Outdoor Alcoholic Beverage Area Permit that they renew yearly with their liquor license. The application is attached (Exhibit 1).

Please find attached the site plan for the deck (Exhibit 5). The site plan shows an ADA wheel chair ramp built on the west side of the property leading to the entrance. There is a stair about half way up the ramp as well leading to the entrance. There will be a 6 foot – 8 foot high fence installed on the western property line, as the use of the neighboring house is residential. This complies with section [12.03\(11\)\(c\)\(2\) of the City of Kaukauna Code of Ordinances](#). There is additional landscaping proposed along with existing landscaping that meets requirements. Additionally, 313 Dodge has received approval from the neighbors for this layout. (Exhibit 4).

Now, 313 Dodge is seeking an alternative entrance to their building. The current site plan shows entrance to the outdoor alcoholic beverage area, first, before entrance through the Main Entrance of the premises. According to [the City of Kaukauna Code of Ordinances 12.03 \(11\)\(e\)\(1\)](#):

Access to the outdoor entertaining area shall only be through the main entrance to the Class B intoxicating liquor, Class B fermented malt beverage; and Class C premises. The outdoor entertaining area shall be equipped with a locking system on a fire exit that meets applicable fire codes. In cases where site configuration or parcel shape prevent a single entrance to the outdoor beverage area through the main entrance of

the building, the Plan Commission may review the outdoor beverage area site plan and approve alternative entrances.

To be in compliance with code, there would have to be an apparatus, like a gate, restricting access to the outdoor patio either from the steps to the door, or from the ramp to the door. This would force entrance to the building before the outdoor alcoholic beverage area, but also eliminate service to tables in a section that was originally proposed (Exhibit 6). Also, it would restrict flow for staff to serve the outdoor areas effectively. 313 Dodge feels that an improvement of this magnitude would ideally utilize the space as intended.

The code specifically mentions *"In cases where site configuration or parcel shape prevent a single entrance to the outdoor beverage area through the main entrance of the building, Plan Commission may review the outdoor beverage area site plan and approve alternative entrances."* Plan Commission motion was to approve the site plan and pass on to Common Council for final approval. The layout of the building affects the location of the main entrance. The entrance faces north which makes it difficult to abide by the code, whereas if it were West facing. Additionally, the current deck is built off of the front of the building, so to extend that deck, like they are proposing, would still be in the front of the building. It is something to consider that they cannot relocate this area to the back of the building.

Fire Inspection has no issues with the current site plan in terms of emergency exits.

Police Department has no issues with the current site plan.

Other things to possibly consider is their Outdoor Alcoholic Beverage Area Permit: Their regular business hours are only 4PM to 9PM Wednesday through Saturday (with the option of being open for special events Sunday – Saturday 10AM – 10PM). For the season that Outdoor Alcoholic Beverage Areas are in use, it is very reserved for business hours to end at 9PM.

Recommendation:

It is up to the Common Council to decide whether to

1. Approve the Outdoor Alcoholic Beverage Area Permit with the alternative entrance shown in the site plan with the following findings:
 - a. The layout of the building/site and location of the entrance prohibit the business building to be entered before the outdoor alcoholic beverage area.
2. Approve the Outdoor Alcoholic Beverage Area Permit and direct staff to work with the applicant to adjust the site plan *without* an alternative entrance.

Exhibit 1



OUTDOOR ALCOHOLIC BEVERAGE AREA

PERMIT APPLICATION

☒ Renewal ☐ Initial Permit

All Fields Must Be Completed

\$200.00

1. Name of Applicant(s): Dodge 313 LLC
2. Name of Licensed Premises: 313 Dodge (dba)
3. Address of Licensed Premises: 313 Dodge St, Kaukauna
4. List all partners, shareholders, or investors. Include full name, middle initial, and date of birth. Please use additional sheets or continue on back if necessary.

<u>Kyle</u>	<u>B</u>	<u>Megna</u>	<u>Owner/Member</u>	<u>3,7,86</u>
First Name	Initial	Last Name	Nature of Ownership/Interest	Date of Birth
<u>Janel</u>	<u>C</u>	<u>Abel</u>	<u>Owner</u>	<u>8,7,89</u>
First Name	Initial	Last Name	Nature of Ownership/Interest	Date of Birth

First Name	Initial	Last Name	Nature of Ownership/Interest	Date of Birth
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5. What was the previous name and nature of the business operating at this location?

6. Are alcohol sales a new use for the Licensed Premises to which this outdoor area permit applies? Yes ☐ No ☒

7. Seating capacity:

a. Inside Licensed Premises 76 Outdoor Alcoholic Beverage Area 90 estimated

8. Operating hours: Sunday - Saturday

a. Inside Licensed Premises 10a-10p Outdoor Alcoholic Beverage Area 10a-10p

9. Number of floor personnel:

a. Inside Licensed Premises 6-8 Outdoor Alcoholic Beverage Area Same

10. Please attach a separate statement and site plan describing details of the Licensed Premises and proposed Outdoor Alcoholic Beverage Area, including dimensions, enclosures, entrances and exits, and any operational details.

11. If this is a renewal, has the physical area described in the original application been altered in any way? If yes, please explain Our plan is to make existing driveway level + permanent outdoor seating which

<u>Kyle</u>	<u>3-29-23</u>	<u>had been</u>
Applicant Signature	Date	utilized
<u>Janel Abel</u>	<u>3/29/23</u>	during COVID

Exhibit 2

UPDATED 07.06.2022



SITE PLAN REVIEW APPLICATION

PROPERTY OWNER	APPLICANT (IF DIFFERENT PARTY THAN OWNER)
Name: 313 Dodge LLC	Name:
Mailing Address: 2216 Nottingham Ln	Mailing Address: Kaukauna WI 54130
Phone: 920-585-1736 Mark	Phone: 920-851-2037 Jackie
Email: Mark@abelins.com	Email: Jackie@abelins.com

PROPERTY INFORMATION	
Described the Proposed Project in Detail: See attached	
Property Parcel (#): 324012600	
Site Address/Location: 313 Dodge St. Kaukauna WI	
Current Zoning and Use: Commercial	
Proposed Zoning and Use: Commercial	
Existing Gross Floor Area of Building: 1535 SF (Temp)	
Proposed Gross Floor Area of Building: 1710 SF	
Existing Building Height: NA	
Proposed Building Height: NA	
Existing Number of Off-Street Parking Spaces: 0	
Proposed Number of Off-Street Parking Spaces: 0	
Existing Impervious Surface Coverage Percentage: 36.9	
Proposed Impervious Surface Coverage Percentage: 38.2	

Exhibit 3

Narrative Description:

The intention of this project is to provide an improved patio layout as well as a more level area for tables and seating. It will provide better separation of the patio area from the street sidewalk by removing the “driveway” and creating an elevated patio as currently exists to the east of the driveway. The ADA accessible entrance ramp will be relocated to the west side of the property adjacent to the single-family residence. A solid vinyl fence is proposed at the west edge of the ramp extending from the rear of the single-family residence to the front setback of the residence as shown on the site plan. In discussions with the neighbor, it was verbally agreed to install the fence 8 ft high from the south fence termination point to the north side of the 1st floor windows. From this point the fence would be lowered to 6 ft. There was also a verbal agreement that the space between the fence and home would be landscaped with a stone mulch to avoid turf maintenance in this area. The current driveway apron will be removed, and barrier curb installed. The apron would be replaced by a 6 ft wide paved area in the terrace for delivery access from the street.

Exhibit 4

Lily Paul

From: Mark Abel <Mark@abelins.com>
Sent: Thursday, March 23, 2023 1:48 PM
To: Lily Paul
Cc: Brad Werner
Subject: FW: 313 Patio

Hi Lilly,

Wanted you to have the below email from neighbor of 313 before today's meeting at 4:.

See you soon!
Mark

From: 313dodge <313dodge@gmail.com>
Sent: Thursday, March 23, 2023 1:30 PM
To: Mark Abel <Mark@abelins.com>; Jackie Abel <jackie.a.abel@gmail.com>
Subject: FW: 313 Patio

----- Original message -----

From: Christopher McCoy <christopher.mccoy@zoho.eu>
Date: 3/23/23 1:27 PM (GMT-06:00)
To: 313dodge@gmail.com
Subject: 313 Patio

Good afternoon,

Just reaching out to let you know that I reviewed the 313 Dodge patio blue prints and I'm good with the design.

Kind regards,
Christopher McCoy
311 Dodge St
920-420-3880

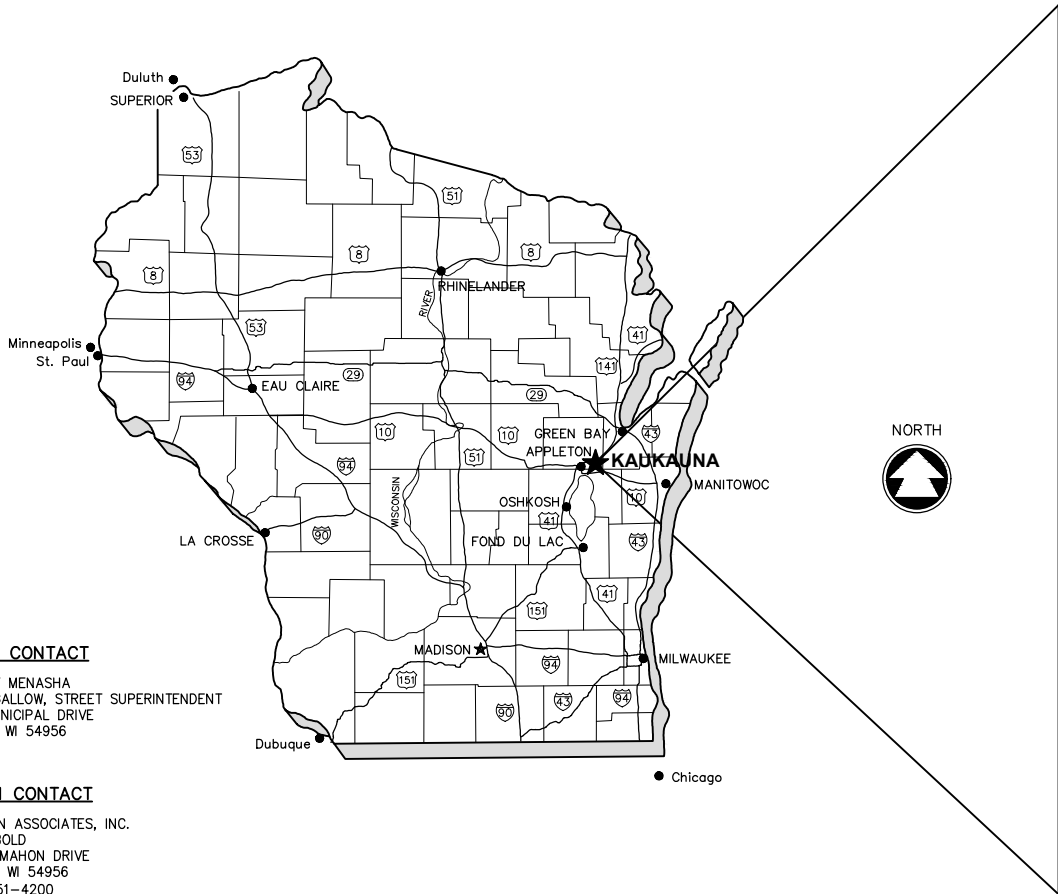
313 DODGE

OUTDOOR PATIO IMPROVEMENTS

CITY OF KAUKAUNA

OUTAGAMIE COUNTY, WISCONSIN

MCM # T0094-09-22-00725



CONTACT INFORMATION

UTILITIES

WE ENERGIES
JIM QUINN (ELECTRIC)
KENNETH VAN OSS (GAS)
800 SOUTH LYNNDAL DRIVE P.O. BOX 1699
APPLETON, WI 54912
(920) 380-3401 (ELECTRIC)
(920) 380-3318 (GAS)
jim.quinn@we-energies.com

AT&T
VINCE LEBRUN
221 WEST WASHINGTON STREET FLOOR 4
APPLETON, WI 54911
(920) 735-3252
vl253@att.com

TIME WARNER CABLE
VINCE ALBIN
1001 KENNEDY AVENUE PO BOX 145
KIMBERLY, WI 54136-0145
(920) 831-9211
vince.albin@twcable.com

TOWN OF MENASHA, UTILITY DISTRICT
STEVE LAABS (SANITARY SEWER)
JEFF ROTH (WATER)
2340 AMERICAN DRIVE NEENAH, WI 54956
(920) 739-5120
steve@town-menasha.com
jeffr@town-menasha.com

OWNER CONTACT

TOWN OF MENASHA
RANDY GALLOW, STREET SUPERINTENDENT
2000 MUNICIPAL DRIVE
NEENAH, WI 54956

DESIGN CONTACT

McMAHON ASSOCIATES, INC.
LEE REIBOLD
1445 McMAHON DRIVE
NEENAH, WI 54956
(920) 751-4200
lreibold@mcmgrp.com

DNR LIAISON

DEPARTMENT OF NATURAL RESOURCES
BOBBI JO FISCHER
427 EAST TOWER DRIVE SUITE 100
WAUTOMA, WI 54982
(920) 787-4686 x3007
Bobbi.Fischer@Wisconsin.gov



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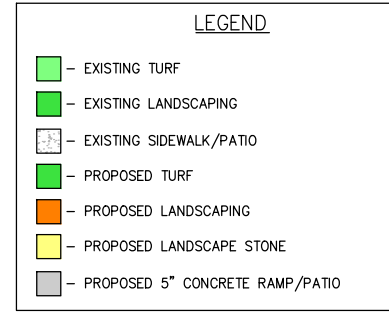
SHEET INDEX

- 1 EXISTING CONDITIONS
- 2 SITE LAYOUT PLAN
- 3 SITE GRADING PLAN



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**OUTDOOR PATIO IMPROVEMENTS
313 DODGE ST, KAUKAUNA WI
SITE LAYOUT PLAN**

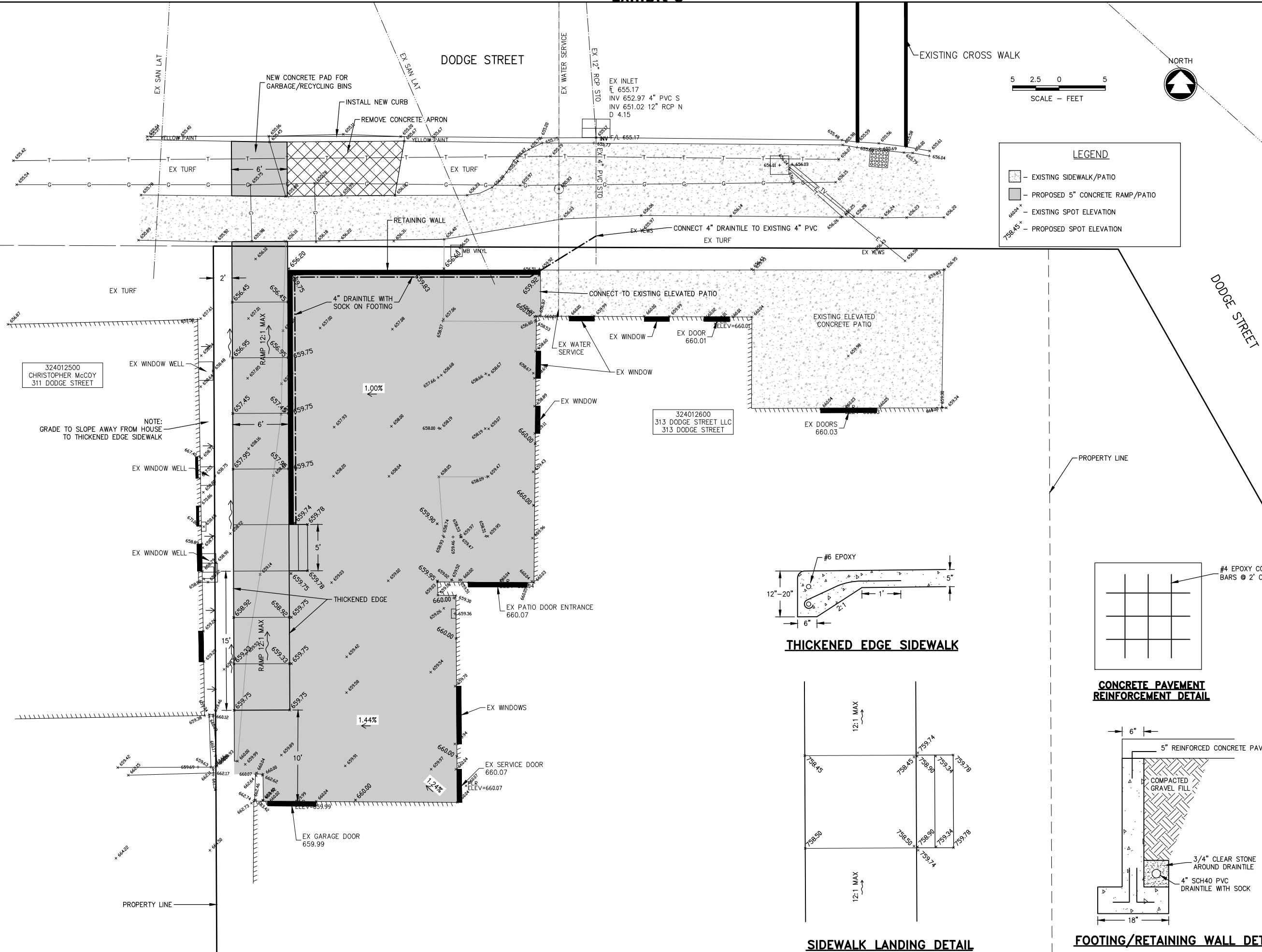
DESIGNED	DRAWN
BDW	RRS
PROJECT NO.	
0094-09-22-00725	
DATE	
FEBRUARY, 2023	
SHEET NO.	

02

<p align="center"><u>HARD SURFACE COMPARISON</u></p> <p>EXISTING HARD SURFACE= 1535 S.F.</p> <p>PROPOSED HARD SURFACE= 1710 S.F.</p> <p>NET CHANGE= 175 S.F.</p>	
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schneidtel, WA PROJECTS\T0094\092200725\CADD\Civil3D\plan sheets\03 SITE GRADING PLAN.dwg, 03 site grading plan, Plot Date: 3/2/2023 7:46 AM, xrefs: (x-313 dodge st-topoints, x-313 dodge st-existtopo, 313 dodge st comps-mnk, x-313 dodge st-propline)w

Exhibit 5



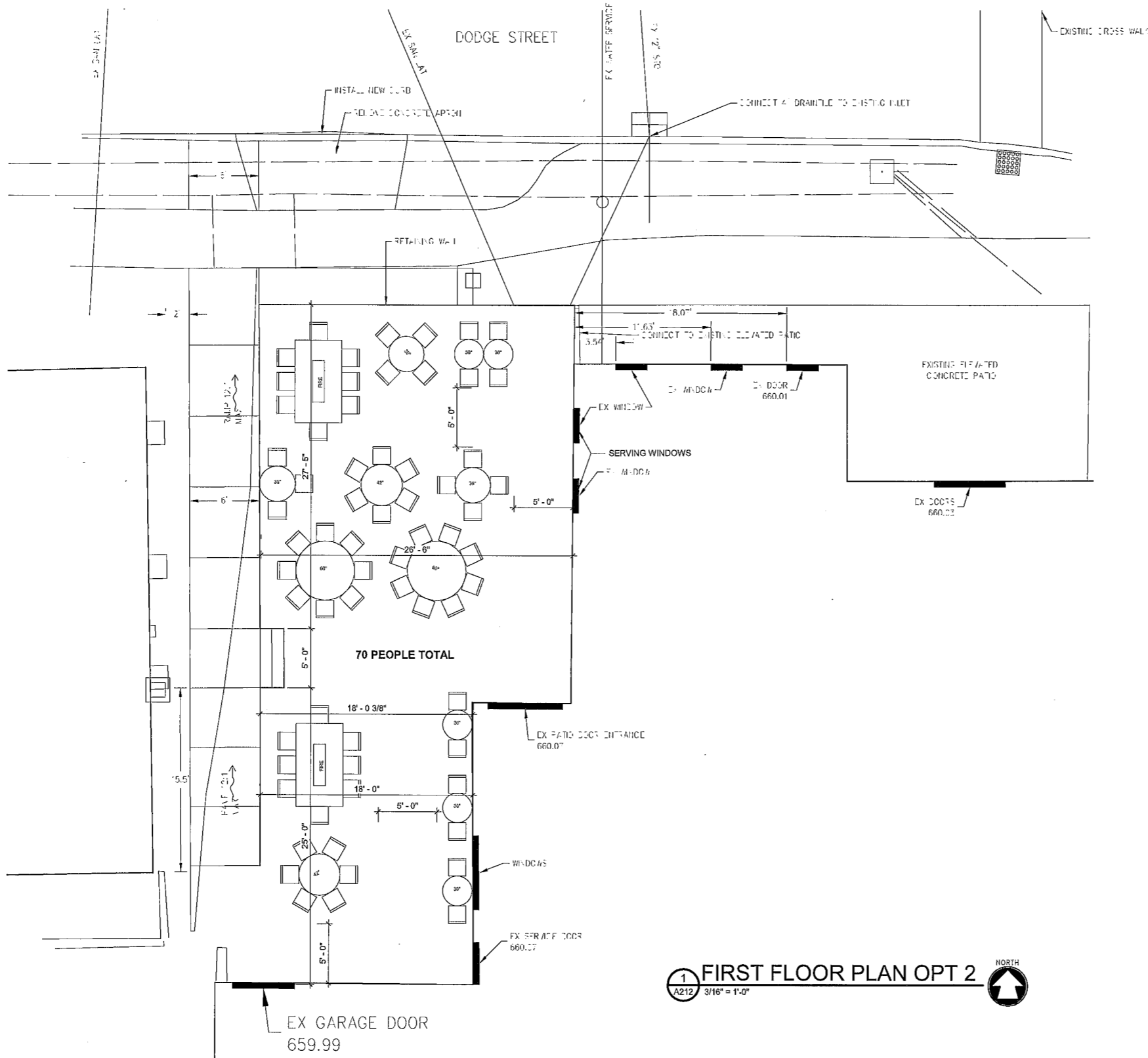
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NO.	DATE	REVISION

OUTDOOR PATIO IMPROVEMENTS
313 DODGE ST, KAUKAUNA WI
SITE GRADING PLAN

DESIGNED BDW	DRAWN RRS
PROJECT NO. T0094-09-22-00725	
DATE FEBRUARY, 2023	
SHEET NO. 03	

Exhibit 6



1 FIRST FLOOR PLAN OPT 2
A212 3/16" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION

OUTDOOR PATIO IMPROVEMENTS
313 DODGE ST, KAUKAUNA, WI
FIRST FLOOR PLAN OPT 2

DESIGNED MJM	DRAWN AAT
PROJECT NO. T0994 09220725	
DATE FEBRUARY 16, 2023	
SHEET NO. A212	

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