



MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Plan Commission
From: Lily Paul, Associate Planner
Date: March 17, 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.

Please find attached the site plan for the deck (Exhibit 4). 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.

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 starting at the step (Exhibit 5). 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). 313 Dodge feels that with an improvement like this, utilizing the space as intended is ideal. 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. It is up to the Plan Commission to approve alternative entrances for situations similar to this.

