



License Committee

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Wednesday, February 21, 2018

6:45 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **License Committee** of the City of De Pere will be held on **February 21, 2018** at **6:45 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

Call to Order

1. Roll Call
2. Approval of the Minutes of the February 6, 2018 License Committee Meeting.
3. Public Comment Period and other Announcements.
4. Operator License Applications.*
5. Application for a Class "B" Fermented Malt Beverage License for Heritage Rd, LLC (DBA One Under Golf Center), 801 Heritage Rd, Unit C. Submitted by Heritage Rd, LLC, Agent: Matthew Wood, Green Bay, WI.*
6. Adjournment.

Respectfully Submitted,

Shana Ledvina, Clerk - Treasurer

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk-Treasurer's office at 339-4050 by Noon, the previous day so that arrangements can be made.

Mayor
Alderspersons
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Pamela S. Carter
Trisha L. Carter
Heather M. Coffey
Deborah A. Egebrecht
Brandon M. Haring
Daniel J. Heinz
Joshua A. Leach
Cheryl A. Renard
Jacob P. Vieau
Gavin M. Zelm
John Allen
Matthew Wood

City of De Pere, Wisconsin



Request For License Committee Action

MEETING DATE: February 21, 2018

DEPARTMENT: City Clerk-Treasurer

FROM: Shana Ledvina

SUBJECT: Approval of the Minutes of the February 6, 2018 License Committee Meeting.

ATTACHMENTS:

- 2-06-18 License Committee Minutes (DOC)



License Committee

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Draft Minutes

Tuesday, February 6, 2018

7:15 PM

Riverview Conference Room

1. Call to Order: The meeting was called to order at 7:15 PM by Alderperson Boyd.

Attendee Name	Title	Status
James Boyd	Alderperson	Present
Dan Carpenter	Alderperson	Present
Jonathon Hansen	Alderperson	Present

2. Approval of the Minutes of the January 16, 2018 License Committee Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	James Boyd, Dan Carpenter, Jonathon Hansen

3. Public Comment Period and other Announcements. None.
4. Operator License Applications.*

CITY OF DE PERE	
License Committee - February 6, 2018	
New Operator License Applications for the 2016-2018 Licensing Period	
1	DUGRE, SHAWN J.
2	EVERS, HALEY R.
3	KROPP, DYLAN J.
4	STEINER, ALLISON R.
5	WARD, SAMUEL M.

Operator License Application #1 for Shawn J. Dugre was presented. Alderperson Carpenter moved, seconded by Alderperson Hansen to open the meeting. Upon vote, motion carried unanimously. The applicant answered the Committee's questions. Operator License Application #4 for Allison R. Steiner was presented. The applicant answered the Committee's questions. Alderperson Carpenter moved, seconded by Alderperson Hansen to close the meeting. Upon vote, motion carried unanimously. Alderperson Boyd moved, seconded by Alderperson Carpenter to approve Operator License Applications #1-5. Upon vote, motion carried unanimously.

5. Application for a premises description change for The Green Room, from 353 Main Av to 363 Main Av.*

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Jonathon Hansen, Alderperson
AYES:	James Boyd, Dan Carpenter, Jonathon Hansen

6. Application for a Class "B" Fermented Malt Beverage License for Heritage Rd, LLC (DBA One Under Golf Center), 801 Heritage Rd, Unit C. Submitted by Heritage Rd, LLC, Agent: Matthew Wood, Green Bay, WI.*

City Attorney Judy Schmidt-Lehman asked the License Committee to table the application submitted by Heritage Rd. LLC so that staff can review zoning and permitted uses. Alderperson Boyd moved, seconded by Alderperson Carpenter to open the meeting. Upon vote, motion carried unanimously. John Allen spoke regarding the license application. Discussion followed. Alderperson Boyd moved, seconded by Alderperson Carpenter to close the meeting. Upon vote, motion carried unanimously. Alderperson Boyd moved, seconded by Alderperson Carpenter to table the application. Upon vote, motion carried unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Dan Carpenter, Alderperson
AYES:	James Boyd, Dan Carpenter, Jonathon Hansen

7. Adjournment.

Alderperson Carpenter moved, seconded by Alderperson Boyd to adjourn the meeting at 7:26 p.m. Upon vote, motion carried unanimously.

Respectfully submitted,

Shana Ledvina, Clerk-Treasurer

City of De Pere, Wisconsin



Request For License Committee Action

MEETING DATE: February 21, 2018
DEPARTMENT: City Clerk-Treasurer
FROM: Shana Ledvina
SUBJECT: Operator License Applications.*

ATTACHMENTS:

- 02-21-18 (PDF)

CITY OF DE PERE
License Committee - February 21, 2018

New Operator License Applications for the 2016-2018 Licensing Period	
1	CARTER, PAMELA S.
2	CARTER, TRISHA L.
3	COFFEY, HEATHER M.
4	EGEBRECHT, DEBORAH A.
5	HARING, BRANDON M.
6	HEINZ, DANIEL J.
7	LEACH, JOSHUA A.
8	RENARD, CHERYL A.
9	VIEAU, JACOB P.
10	ZELM, GAVIN M.

City of De Pere, Wisconsin**Request For License Committee Action**

MEETING DATE: February 21, 2018

DEPARTMENT: City Clerk-Treasurer

FROM: Shana Ledvina

SUBJECT: Application for a Class "B" Fermented Malt Beverage License for Heritage Rd, LLC (DBA One Under Golf Center), 801 Heritage Rd, Unit C. Submitted by Heritage Rd, LLC, Agent: Matthew Wood, Green Bay, WI.*

ATTACHMENTS:

- One Under Golf Center_2-6-18 (PDF)
- Heritage Dr LLC Class B license - I-1 zoning (PDF)

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning Feb 7 20 18
ending June 30 20 18

TO THE GOVERNING BODY of the:

☐ Town of
☐ Village of
☒ City of De Pere
County of Brown Aldermanic Dist. No. _____ (if required by ordinance)

1. The named ☐ INDIVIDUAL ☐ PARTNERSHIP ☒ LIMITED LIABILITY COMPANY
☐ CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Heritage Rd, LLC

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 name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>John Allen</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
Vice President/Member	<u>Tony Wolf</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
Secretary/Member			
Treasurer/Member			
Agent	<u>Matthew Wood</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>
Directors/Managers			

3. Trade Name One Under Golf Center Business Phone Number (920) 425-4038

4. Address of Premises 301 Heritage Rd, Unit C De Pere, WI Post Office & Zip Code 54115

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☒ Yes ☐ No

6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No

7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No

8. (a) Corporate/limited liability company applicants only: Insert state WI and date 3/7/17 of registration.

- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ 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? ☐ Yes ☒ No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. 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.) Indoor Golf Center - Caddyshack (Food + Bev room)

10. Legal description (omit if street address is given above): _____

11. (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? _____

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5d) before beginning business? [phone 1-800-937-8864] ☒ Yes ☐ No

13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No

14. 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 signers. Signers agree 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 and each member of a partnership applicant must sign; corporate officer(s), members/managers 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.

SUBSCRIBED AND SWORN TO BEFORE ME

this 19th day of January, 20 18

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

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

Wisconsin Department of Revenue

MEMORANDUM

TO: Alderperson James Boyd, Chair
License Committee Members
Shana D. Ledvina, City Clerk-Treasurer

FROM: Judith Schmidt-Lehman, City Attorney

DATE: February 21, 2018

RE: Application for a Class "B" Fermented Malt Beverage License at 801 Heritage Road, Unit C,

As you are aware, the above item was tabled at the February 6, 2018 meeting at my request in order for city staff to fully evaluate whether the property at 801 Heritage Rd. is zoned properly for the sale and consumption of alcohol (fermented malt beverages.) Here is some background on the request.

The property owner (Heritage Road, LLC) requested that the Plan Commission review its proposed indoor recreation use for three of the five suites in the complex. At the August 28, 2017 Plan Commission meeting, the Plan Commission approved indoor recreation use as a permitted use at 801 Heritage Road. (Attached is a copy of the Plan Commission Staff Recommendation.) Heritage Road, LLC applied for a Class "B" beer license on January 19, 2018; review of the license application went to the next available meeting, that being February 6, 2018.

Prior to the February 6 License Committee meeting, the issue of proper zoning for sale of alcohol was raised. Planning staff at the time advised that the sale of alcohol in the I-1 Industrial District could be allowed as an accessory use. Since that time however, it has been determined that the I-1 Industrial District only allows, when justified by the developer, Cafeterias and Offices as accessory uses. (See attached I-1 Industrial Park District uses.) Therefore, the zoning district that includes 801 Heritage Road does not allow the sale or consumption of alcohol, and the license cannot be approved.

Planning staff indicates recreational use requests in the city's industrial parks are on the increase. They therefore will be working on updating accessory use recommendations to the Plan Commission in the near future. They will also advise Heritage Road, LLC when to expect the matter to come before the Plan Commission.

If you have any questions regarding this, please feel free to call me at 339-4042.

JSL

Attachment: Heritage Dr LLC Class B license - I-1 zoning (6683 : One Under Golf Center Class "B" License*)

- ITEM 8:** Land use interpretation request for an existing building at 801 Heritage Road (Parcel ED-F0103-4) in the I-1 Industrial Park District. Submitted by John Allen, Managing Partner, Heritage Road, LLC.

SITE MAP



REQUESTED ACTION: Land Use Interpretation.

In 1997, the Plan Commission approved a site plan for the subject site that included office, showroom, and warehouse uses. An additional proposed use for indoor recreation is proposed.

COMMON DESCRIPTION: 801 Heritage Road, located northeast from the Heritage Road and Enterprise Drive intersection.

PARCEL NUMBER(S): ED-F0103-4

EXISTING ZONING: I-1 (Industrial Park District)

PROPOSED ZONING: None.

SURROUNDING LAND USES: Vacant and industrial to the north.
Industrial to the south.
Vacant and restaurant to the east.
Vacant and industrial to the west.

COMPREHENSIVE PLAN: The City of De Pere 2010 Comprehensive Plan Update, Future Land Uses map (Figure 2-6), identifies the area as 'Industrial Park.'

**City of De Pere
Staff Comments**

**Plan Commission
August 28, 2017**

APPLICANT/OWNER NAME: John Allen, Managing Partner
Heritage Road, LLC
801 Heritage RD
De Pere, WI 54115

Heritage Road LLC
435 N. Broadway ST
De Pere, WI 54115

SITE HISTORY: In July, 1997 the Plan Commission approved a site plan for the property. At that time, the building provided 12,000 square feet of office space, show room, and warehousing. The building had five front entrances, 51 parking stalls, and an exterior appearance similar to what is seen today.

The building was recently acquired by Heritage Road LLC. In August 2017, the building owner requested the addition of indoor recreation use for three of the five suites in the building.

STAFF REVIEW:

The proposed indoor recreational use is not clearly defined in the I-1 Zoning District (Municipal Code 14-47) as a permitted use, accessory use, or conditional use. The Code does, however permit 'other uses that can be operated without creating objectionable noise, odor, dust, smoke, gas fumes or vapor, and that is not an offensive, dangerous or unwholesome use, and that is compatible with the use and occupancy of adjoining properties and is approved, as a permitted use by the Plan Commission.

The indoor recreational use would complement existing uses that are already allowed in the building, which was designed to house five smaller businesses rather than one large industry. The indoor uses may also be complementary to nearby uses, including a restaurant to the east of the property.

The 1997 approved Site Plan parking accommodations has 51 parking stalls. Presently 43 spaces exist at the front of the building with additional parking in the rear. The property owner has plans to restripe a staff parking area in the rear of the building for a total of 63 stalls. There is sufficient off-street parking for the site. Therefore, the 12,000 square foot building site could accommodate parking needs if all five suites were offices, and also if all five suites were indoor recreational uses.

- Parking if site was all office: 48 spaces required
 - *Four spaces for every 1,000 square feet.*
- Parking if site was all indoor recreational: 60 spaces required
 - *Five spaces for every 1,000 square feet.*

REVIEW PROCESS

For land use interpretations the Plan Commission provides an interpretation for the Zoning Code. There is no Common Council review.

STAFF RECOMMENDATION: Staff recommends that the Plan Commission permit indoor recreation at 801 Heritage Road as a permitted use.

Attachment: Heritage Dr LLC Class B license - I-1 zoning (6683 : One Under Golf Center Class "B" License*)

Judy Schmidt-Lehman

From: John Allen <greenbayinsurance1@gmail.com>
Sent: Tuesday, August 8, 2017 3:44 PM
To: Peter Schleinz
Subject: Use inquiry for 801 Heritage Rd

Follow Up Flag: Follow up
Flag Status: Flagged

Peter,

Pere our conversations today I am requesting a "use inquiry" by the plan commission for the building at 801 Heritage Road De Pere, WI. Currently this building is zoned I1. We would like to have the building occupied by some tenants that we believe qualify under the current zoning, but wanted to verify this with the planning commission.

The building has 5 tenant suits as follows...

Suite A is approximately 2900 sq' of office space and 600 sq' of warehouse and is currently occupied by a property management company. They employ approximately 4 people.

Suite B is also approximately 3500 sq'. It is currently unoccupied, but had been occupied by a retail glass company. The proposed tenant will be a ball room dance studio, employing 3 people.

Suite C is currently unfinished. We plan on finishing and occupying approximately 1200 sq' as a golf training center and 1200 sq' for warehousing (no vehicles). The golf training center will have one employee and we would anticipate 2 to 3 patrons using the facility at a time.

Suite D is 2400 sq' and is being occupied by two personal trainers that offer individual fitness programs. We anticipate total number of customers at any one time to be 8.

Suite E is approximately 3300 sq' of office space with 200 sq' of warehouse. The second floor of 1200 sq' is being occupied by a software development company. The first floor has individual offices occupied by a variety of tenants such as an attorney and an acupuncturist. We anticipate about 6 employees working at a time with up to 6 patrons.

There are 43 parking spots in the front of the building. We are restriping the parking lot behind the building that will allow for 20 additional parking spots for employees. We anticipate a total of 16 employees at any one time with a maximum of 20 guess at any one time.

Thank you for your consideration.

John Allen
 Managing Partner

Heritage Road, LLC
 801 Heritage Road
 De Pere, WI 54115

• **14-47. - I-1 Industrial park district.**

The I-1 Industrial Park District is a special or exclusive type of planned industrial area designed and equipped to accommodate a community of both light and heavy industrial activities which require large parcels of property, which are compatible with the use and occupancy of adjoining properties and which, by their character, should be remote from residential and business development, and which are found not to be obnoxious, unhealthful, or offensive by reason of potential emission or transmission of noise, vibration, smoke, dust, odors, heat, or toxic or noxious matter.

(1) *Permitted uses.*

(a) Uses permitted in the I-1 District are subject to the following conditions:

- 1) Dwelling units and lodging rooms other than custodian quarters are not permitted.
- 2) All business, servicing, processing, manufacturing, operation, and storage (except for motor vehicles in operable condition) shall be conducted within a completely enclosed building structure.
- 3) The parking or storage of operable motor vehicles, if not within an enclosed building structure, shall be effectively screened by shrubbery or solid wall or fence (including solid entrance and exit gates) of not less than six (6) feet and not more than eight (8) feet in height.

(b) The following general uses are permitted in the I-1 District:

- 1) Assembly plants
- 2) Freight terminals
- 3) Laboratories
- 4) Manufacturing plants
- 5) Railroad facilities
- 6) Warehouses
- 7) Wholesaling of merchandise when incidental to the principal use
- 8) Public utilities
- 9) Other uses that can be operated without creating objectionable noise, odor, dust, smoke, gas fumes or vapor, and that is not an offensive, dangerous or unwholesome use, and that is compatible with the use and occupancy of adjoining properties and is approved as a permitted use by the Plan Commission.

(2) *Permitted accessory uses.*

(a) The following accessory uses, if justified as to need by the developer, will be allowed:

- 1) Cafeterias

2) Offices

(3) *Conditional uses.*

(a) The following conditional uses may be allowed in the I-1 District, subject to the provisions of Section 14-30, provided that such uses and the operation thereof is determined not to be obnoxious, unhealthful, or offensive:

- 1) Day care centers that are complimentary to businesses and industries located in the Industrial Park
- 2) Forge plants
- 3) Foundries
- 4) Primary metal industries
- 5) Metal refineries
- 6) Rolling mills
- 7) Pet grooming, kennels, and pet day care facilities