



Meeting Date: June 17, 2013
 Agenda Item: #6 & 7

**VILLAGE OF HOWARD
 STAFF REPORT**

REPORT TO: Burt McIntyre, President
 Village Plan Commission

REPORT FROM: Dave Wiese, Director of Community Development

REPORT WRITTEN: June 12, 2013

REPORT SUBJECT: Review and take action on a request for conditional use approval from Benjamin Erickson, representing Gilligan's Bar & Grill, to allow live outdoor music at 1985 Velp Avenue

BACKGROUND

BASIC INFORMATION

Project Name	Gilligan's Music CUP
Applicant Name/Contact No.	Benjamin Erickson 920-544-5922
Consulting Planner and/or Engineer	N/A
Size of Parcel	24,133 square feet, 0.55 acres
Existing Zoning	B-2
Requested Zoning	N/A
Abbreviated Legal	VH-630
Comp. Land Map Designation	Neighborhood Commercial

ADJACENT LAND USE/ZONING MATRIX

<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Local Business	B-2
South	Single Family Residential	R-1
East	Residential	B-2
West	Duck Creek River & Cemetery	B-1 & B-2

ZONING CONSISTENCY MATRIX

	<i>Required</i>	<i>Provided</i>
Zoning Requested:		
Minimum Development Area	7500 square feet	24,133 square feet
Minimum Lot Width	100 feet	>145 feet
Minimum Street Building Setback	35 feet	<20 feet
Minimum Side Yard Setback	10 feet	>40 feet
Minimum Rear Yard Setback	15 feet	>60 feet
Maximum Height	65	<20 feet

BACKGROUND

The applicant, Benjamin Erickson, representing Gilligan's Bar & Grill, is requesting to allow live outdoor music on the patio during afternoons and early evenings in June, July, August, and September between the hours of 12:00 to 6:00 p.m. at 1985 Velp Avenue. A conditional use permit is required per Section 17.11(2)(d) of the Zoning Ordinance which requires that *"Except for permitted off-street parking and loading, and except for services provided to and for motor vehicles, and except as specifically allowed as a conditional use in accordance with Section 17.20(10) of this ordinance, all business, servicing, processing, sales and storage shall be conducted within completely enclosed buildings."*

Setbacks

The current building and deck comply with all required setbacks except the for the front yard setback. The building and deck are set back from Velp Avenue less than 20 feet while the Zoning Ordinance requires a minimum front yard setback of 35 feet.

Parking

The current facility has limited parking.

Floodplain, Shoreland Zoning & Stormwater Management

The current building and deck are located in a 100-year floodplain district.

Land Division

No land division is being proposed in this request.

Lighting

No additional exterior lighting is being proposed with this request.

Fire Protection

This property is currently served by the municipal water system and is located approximately 0.65 miles from the nearest fire station.

CONDITIONAL USE STANDARDS

Section 17.20(10)(g) of the Zoning Ordinance requires that "The Plan Commission shall not recommend and the Village Board shall not approve a conditional use unless findings are first made, based on evidence presented, that the following standards are met:"

1. The conditional use shall not be detrimental to or endanger the health, safety, morals, comfort or general welfare of the public.
2. The conditional use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted, nor shall it substantially diminish or impair property values within the neighborhood.
3. The conditional use shall not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
4. The exterior architectural appeal and functional plan of proposed buildings and structures shall not be so at variance with existing buildings and structures, or buildings and structures under construction in the immediate area, or the character of the zoning district, as to cause a substantial depreciation in property values within the neighborhood.
5. Adequate utilities, access roads, drainage and necessary facilities are in place or will be provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to applicable regulations of the zoning district in which it is located, except as such regulations may be modified by the Village Board pursuant to Plan Commission recommendations.

RECOMMENDED ACTION BY THE PLAN COMMISSION

It is requested that the Plan Commission open the public hearing and ask the applicant to explain his request in detail, including how the above referenced "Conditional Use Standards" will be met. Subsequently, the Plan Commission should invite comments from the public and then close the public hearing.

The Village staff recommends denial of the Conditional Use Permit for the following reasons:

- 1) The building and deck are set back from Velp Avenue less than 20 feet while the Zoning Ordinance requires a minimum front yard setback of 35 feet. The current facility has limited parking and adding additional area for patrons will make the current situation worse.
- 2) The area is directly adjacent to a residential property and increased use of the outdoor deck will intrude on privacy of the neighbors.
- 3) The current driveways are non-conforming and in staff's opinion dangerous. Patrons currently back on to existing public streets. Increasing traffic with additional patrons only increases potential conflicts.
- 4) The area is directly adjacent to and borders residential property and will disturb the residential neighborhood.
- 5) The set up and site of the equipment, bands, etc. will distract motorists on Velp Avenue.

ATTACHMENTS

- I Plat map showing location of subject property
- II Completed Conditional Use Application

ATTACHMENT I





2456 Glendale Ave
Green Bay, WI 54313

**CONDITIONAL USE PERMIT
APPLICATION**

See Following Pages
for Materials to be
submitted with this
application
Application Fee: \$250.00
Date: _____
Initials: _____
Application #: _____

Applicant

Name: Benjamin Erickson
Address: 2138 River view Dr
Phone: (920)-544-5922 Email: ben@gilligansgb.com
Business Name: Gilligan's Bar & Grill
Conditional Use Site Address: 1985 Velp Ave
Landowner of Record: Sherry Strehlow
Address: N9955 Meadowlark Ln Crivitz WI 54114
Phone: (920)-927-1368 Email: Ssbobnorth@yahoo.com
715

Consultant(s)

Architect

Name: _____
Address: _____
Phone: () - - Email: _____

Contractor/Engineer

Name: _____
Address: _____
Phone: () - - Email: _____

Parcel/Building Information

Lot Size: _____ Acres/Sq. Ft Current Zoning: _____ Parcel Number: VH - _____
Lot Dimensions: _____ Does Current Zoning Permit Intended Use: _____
Bldg. Sq. Footage: _____ Street Frontage: _____

Describe Specifically the Nature of the Request:

Requesting a permit to allow live music on our patio
during afternoons and early evenings in June, July, August,
and September.

Between these hours of 12:00pm - 6:00pm

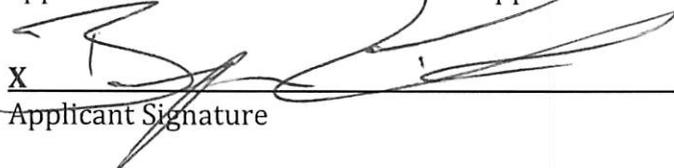
REQUIRED

(Check the Box to Signify Your Submittal of Listed Items Which Apply to Your Request)

- A plat of survey or the equivalent thereof depicting the location, dimensions, boundaries, uses and size of the site.
- A site plan including the following:
 - Density and floor area ratio
 - Building heights and setbacks
 - Size & location of lots
 - Screening and fencing
 - Location of sanitary and storm sewer lines
 - Location of water mains
 - Site drainage
 - Location of roads, driveways and walks
 - Existing and proposed structures, parking, loading areas, ingress/egress points
 - Location of recreational and open space areas reserved or dedicated for public uses
 - Percentage of green space & impervious surface
- Landscape plan including table depicting quantity, size and name of species.
- Lighting plan showing photometrics and a specification sheet of all fixtures to be used.
- Full-color rendering of building facades and large samples of colors and building materials that will be used on the project.
- An attachment stating the methods and hours of operation.
- Sign plan with dimensions of sign.

Submit 10 copies of all color documents. If possible, provide electronic versions (pdf, word, excel, etc) of plans.

With this signature, I certify that all required materials above have been submitted. Furthermore, I understand any required materials not submitted will result in an incomplete application. Incomplete applications will be returned to the applicant until all required materials are submitted.

X 

Applicant Signature

5-9-13

Date

Please direct all questions to Dave Wiese at 434-4640 or dwiese@villageofhoward.com