



Meeting: Village Board
Meeting Date: May 9, 2011
Agenda Item: 5-6

Mission Statement

Delivering quality services in a courteous, cost-effective and efficient manner.

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: Burt R. McIntyre, President
Village Board of Trustees

REPORT FROM: Bob Bartelt, Village Administrator
Ed Janke, Public Safety Director

AGENDA ITEM: 5-6 Public Hearing and Action regarding the Outdoor Concert Application for the Avenue Bar

ACTION: ___Ordinance ___Resolution __xx_Motion

POLICY ISSUE

Should the Village Board approve an Outdoor Concert Permit for Avenue Bar for an event on Aug. 27, 2011?

BACKGROUND INFORMATION

The Village Board approved a Concert Permit for the Avenue Bar at the April 11 Village Board Meeting. The permit was placed on the Village Board Agenda prematurely because the requisite public hearing was not held prior to approval. Due to the error, at the April 25 Village Board meeting, the Board voted to reconsider the decision and in separate action also voted to table the item to allow staff time to follow up.

Staff decided to hold the requisite public hearing at the May 9 Village Board meeting. A legal notice of public hearing was published in the April 29, 2011 edition of The Press. Notices also were mailed May 3 to property owners within 1,000 feet of Avenue Bar. Furthermore, Bob had a phone conversation with the applicant, Steven J. Van Straten, and Leigh Ann spoke by phone with the owner of the Velp Apartments. Both indicated they could and would attend the hearing to provide input.

Trustee Speaker also requested staff provide a list of pros and cons of allowing the event. Ed put together the following:

PROS: None

CONS:

- Traffic congestion due to volume of traffic
- Parking for venue – Part of existing parking in rear of business is utilized for concert
 - Overflow parking uses area businesses as well as Howard Apartments
- Road construction – single lane adding to access / egress issues for vehicles.
- Adjacent residential neighborhood
- Numerous complaints regarding noise in 2010
- Creates precedent regarding outdoor concerts in residential areas

FISCAL IMPACT:

- | | |
|------------------------------|-----------|
| 1. Is There A Fiscal Impact? | <u>No</u> |
| 2. Is it Currently Budgeted? | <u>No</u> |
| 3. If Budgeted, Which Line? | <u>No</u> |

RECOMMENDED ACTION

It is recommended the Village Board open the public hearing and ask the applicant to explain his request in detail. Subsequently, the board should invite comments from the public and then close the public hearing. After the public hearing is closed, the board should review the applicant's request. If satisfied with the proposal, the Village Board should recommend with any specific conditions as may be necessary to address concerns voiced by the public, staff or board members.

If the Village Board were in favor of this action, the following motion could be made, "***Motion to approve the outdoor concert permit for Avenue Bar LLC for Aug. 27, 2011 (with any applicable conditions)...***"

If the Village Board were not in favor of this action, the following motion could be made, "***Motion to deny the outdoor concert permit for Avenue Bar LLC.***"

POLICY ALTERNATIVE(S)

The Village Board could take the following actions:

- The Village Board could table the item and request more information

ATTACHED INFORMATION

- I. Appendix A – Howard Village Ordinance, Chapter 6, Article 8
- II. Outdoor Concert Permit for The Avenue Bar
- III. Map of area around Avenue Bar, 1745 Velp Avenue

Appendix A

Chapter 6 BUSINESSES

ARTICLE VIII. OUTDOOR CONCERTS - Howard, Wisconsin - Code of Ordinances

Sec. 6-351. - License required.

No person shall hold an outdoor concert without first securing a license from the village clerk.
(Comp. Ords. 2000, § 12.14(1); Ord. No. 1988-4)

Sec. 6-352. - License requirements.

The license application shall be filed with the village clerk and shall contain:

- (1) Time and duration of concert.
- (2) Location of concert.
- (3) Proximity of neighbors to proposed site of concert.

(Comp. Ords. 2000, § 12.14(2); Ord. No. 1988-4)

Sec. 6-353. - Public hearing.

If the proposed concert may bother neighbors, a public hearing must be held with notice given to the neighbors.

(Comp. Ords. 2000, § 12.14(3); Ord. No. 1988-4)

Sec. 6-354. - Fee.

The license fee shall be \$5.00. If a public hearing is required, the fee shall be \$50.00
(Comp. Ords. 2000, § 12.14(4); Ord. No. 1988-4)

Sec. 6-355. - License application.

The village clerk shall provide an application for a permit.

(Comp. Ords. 2000, § 12.14(5); Ord. No. 1988-4)

Sec. 6-356. - Performance time.

No outdoor concert may last beyond 11:00 p.m.

(Comp. Ords. 2000, § 12.14(6); Ord. No. 1988-4)

Sec. 6-357. - Application.

The application must be made 45 days prior to the event.

(Comp. Ords. 2000, § 12.14(7); Ord. No. 1988-4)

Sec. 6-358. - Exceptions.

This article shall not apply to church picnics or nonprofit events held by local nonprofit charities.

(Comp. Ords. 2000, § 12.14(8); Ord. No. 1988-4)

Secs. 6-359—6-389. - Reserved.



2456 Glendale Ave
Green Bay, WI 54313

OUTDOOR CONCERT PERMIT APPLICATION

See Following Pages
for Materials to be
submitted with this
application

Application Fee: \$50.00

Date: REC'D APR 04 2011

Initials: AD

Application #: _____

Applicant

Name: Steven J. Van Straten / Avenue Bar LLC
 Address: 1745 Velp Ave
 Phone: (920) - 621 - 2280 Email: Steve@Smashie Services LLC
 Business Name: Avenue Bar LLC

Event

Location of Event: 1745 Velp Ave
 Owner of Property: Steven J. Van Straten
 Phone: (920) - 621 - 2280 Email: Steve @ Smashie Services LLC
 Date and Time of Event: Aug 27th 2011
 (Concerts may not last beyond 11:00 p.m.)
 Proximity of neighbors to proposed site of concert: Apartments on East side. Private Residents on West Side Run.

Describe Specifically the Nature of the Request:

We have had A Annual Avenue Party Every year since we opened. Would like to continue if possible. Will put up fences and tents to keep customers contained As in past we Invite officers on Duty to tour Facility and give members of Bars on Duty.

HOWARD, WI VILLAGE

2456 GLENDALE AVE
PO BOX 12207
GREEN BAY WI 54313
920-434-4640
Transmission 374
04-Apr-11 09:43am

	Average	Class B	Temp C	Outdoor
Liquor License	\$108.00			
Liquor License	\$508.00			
Liquor Ad Fee	\$5.00			
Cigarette License	\$50.00			
Liquor License	\$10.00			
Other Permits & Fees	\$50.00			
Subtotal	\$715.00			
Check	\$715.00			

Remarks:

Bar Cl
Liq

ATTACHMENT III

The Avenue Bar, 1745 Velp Avenue, is highlighted in yellow. The parcels outlined in blue are all within 1,000 feet of the bar.

