



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: November 11, 2013

Common Council Meeting Date: November 20, 2013

Item: Special Use Permit #13-13 to expand an existing tavern with alcohol sales with an outdoor patio area with alcohol consumption.

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Property owner/ Applicant: Positive Ventures, LLC- Eric Jacobsen

Address/Parcel #: 1200 South Oneida Street /31-4-0418

Petitioner's Request: The applicant is requesting a Special Use Permit to include an outdoor seating area (with alcohol sales) as a beer and smoking garden with dining. The previous Special Use Permit request included an expansion of the bar for a pool table and dry storage and office but never materialized. This renews that request along with a small kitchen area.

BACKGROUND

Special Use Permits #6-05 and #24-05 were approved for a tavern with alcohol sales at this location in 2005. The applicant currently holds a Class B liquor license. Certified Survey Maps to combine property have been completed and Site Plan #12-29 was completed for a previous parking lot expansion.

STAFF ANALYSIS

Existing Site Conditions: The subject site is currently occupied by a tavern with an outdoor patio area; Images, LLC, aka Kokomo's.

Zoning Ordinance Requirements: In order to expand the sale of alcohol for on-site consumption within the building and the expanded outdoor patio area, a Special Use Permit must be approved by Common Council per the Zoning Ordinance regulations. If approved, Special Use Permit #13-13 will replace all previously approved Special Use Permits.

Operational Information: The business hours are 11:00 a.m. – bar closing time, seven days a week.

Outdoor Seating with Alcohol Service Area: The proposed outdoor patio area shown on the Development Plan and the Operational Plan indicate the following:

- Approximately one thousand three hundred twenty-four (1,324) square feet;
- The outdoor patio is surrounded by a four (4) foot high wrought iron fence;
- Architectural lanterns mounted on fence posts;
- Concrete patio surface; and
- Proposed outdoor music per Operation Plan

Special Use Permit #13-13

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Parking/ Access:

An existing single-family house located to the south of the subject building will be razed and replaced with new parking spaces. This parking lot expansion will be reviewed through a Site Plan Review.

The bar/restaurant capacity will be posted at ninety (90) occupants at a ratio of one (1) parking space per three (3) occupants, requiring thirty (30) spaces, plus the three (3) apartments will require one (1) space each, for a total requirement of thirty-three (33) parking spaces. The parking lot will be expanded and adequate on-site parking will be provided with forty-one (41) parking spaces shown on the property. A parking agreement allowing excess spaces to be shared with the adjacent property, Houdini's Escape Gastropub, will be required.

A variance has been requested to allow for a total of seventy (70) spaces between the two properties. If the variance is approved, no further action will be required and the proposed parking is adequate. If the variance is denied, the applicant will either need to reduce the capacity of the businesses or find off-site parking to make up the difference in required spaces which meets 23-172(m) of the Zoning Ordinance.

Surrounding zoning and land uses:

North: C-2 – General Commercial District, Soul Purpose Ministry, LLC

South: C-2 – General Commercial District, Houdini's Gastropub, Single-Family house

West: R-3- Multi-Family Residential District, Riverview Gardens

East: R1-B- Single-Family Residential District, Single-Family house

2010-2030 Comprehensive Plan: The 2010-2030 Future Land Use Map currently represents this area to have commercial uses. The proposed uses are consistent with the City's Comprehensive Plan and are consistent with the purpose and intent of the C-2 General Commercial District.

Overall Community Goals

- **Goal 1 – Community Growth** (Chapter 10 – Land Use)
Appleton will continue to provide opportunities for residential, commercial and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods and greenfield development sites at the City's edge.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6) and (h) (6), which were found in the affirmative.

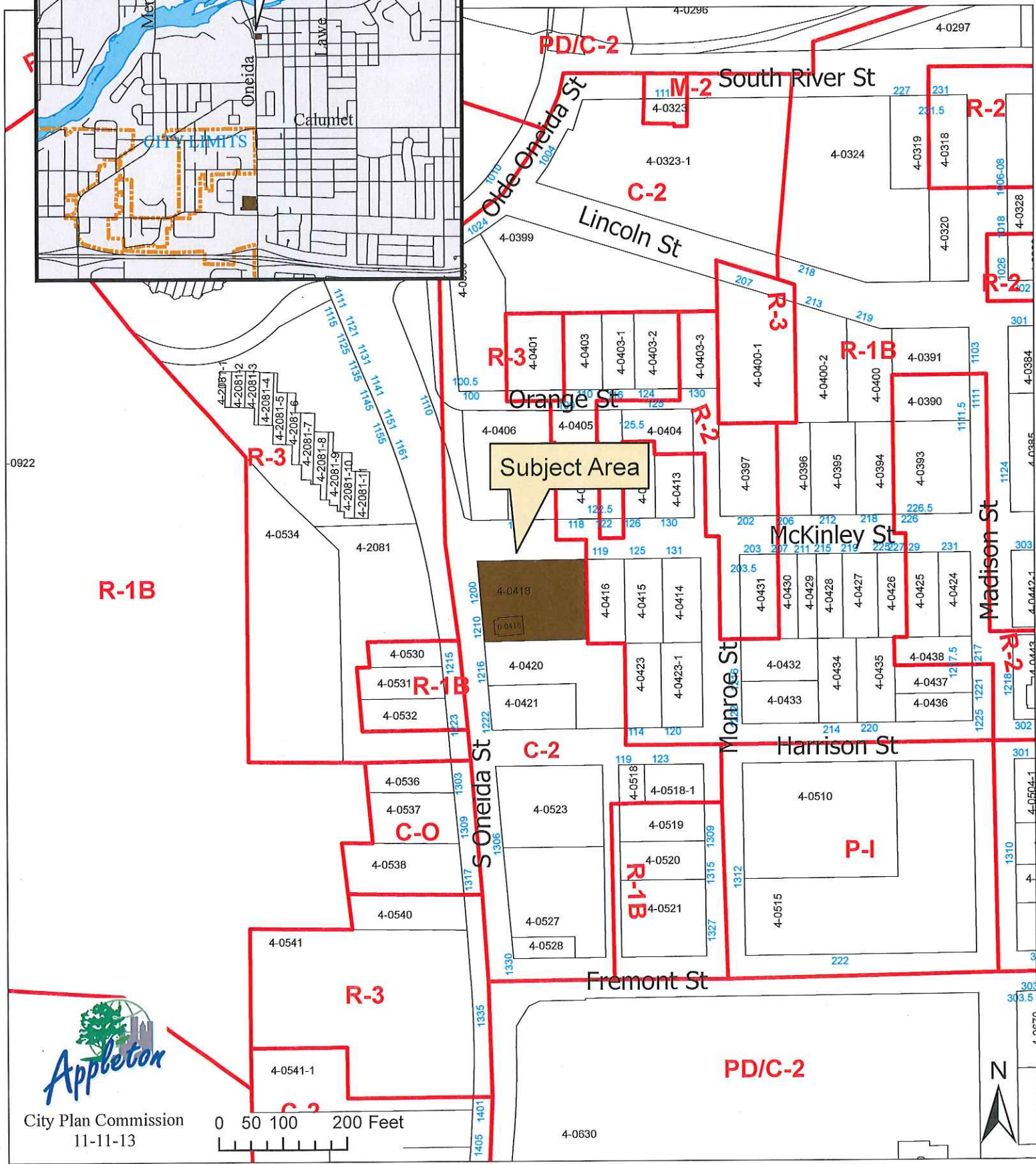
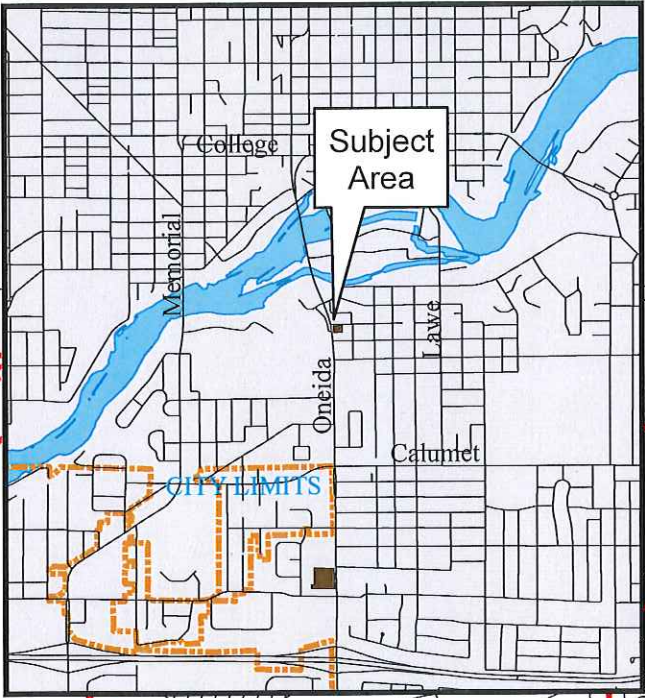
Technical Review Group Report (TRG): This item was discussed at the October 8, 2013 Technical Review Group meeting. Additionally, staff held a meeting with the applicant on October 29, 2013 to go over design and operational aspects of the proposal. No major concerns came from that meeting and the applicant was given additional advice and direction regarding future submittals of building plans and licensing.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #13-13 to expand an existing tavern with alcohol sales with an outdoor patio area with alcohol consumption, located at 1200 South Oneida Street, **BE APPROVED:**

1. The serving and consumption of alcohol is limited to the interior ground floor of the tenant space and the outdoor patio area identified on the Development Plan and Operational Plan. Any future expansions beyond the areas identified on the submitted Development Plan for the serving and/or consumption of alcohol may require a new Special Use Permit application to be applied for and approved.
2. Site Plan review and approval will be required for the parking lot expansion, prior to permits being issued for construction of the parking lot.
3. An emergency exit only gate with push/panic hardware shall be installed as part of the proposed four (4) foot high fence enclosure adjacent to the outdoor patio area and be inspected by the Appleton Fire Department prior to the issuance of the liquor license for the outdoor patio area.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
5. All applicable Codes, Ordinances and regulations, including but not limited to Fire and Building Codes and Health and the Noise Ordinances, shall be complied with.
6. Any deviations from the approved Development Plan may require a major or minor change request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.
7. Compliance with the Operational Plan is required at all times. Changes to the Operational Plan may require an amendment to the Special Use Permit.
8. Compliance with the attached Development Plan showing site layout and the floor plan is required at all times per 23-66(d)(5). Changes to the Development Plan drawings may require an amendment to the Special Use Permit.

1200 South Oneida Street
 Special Use Permit
 Expand an existing tavern with alcohol sales
 with an outdoor patio area with alcohol consumption
 Zoning Map



City Plan Commission
 11-11-13

0 50 100 200 Feet

**TAVERN AND/OR RESTAURANT WITH ALCOHOL SALES
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

Business information:

Name of Business: Images LLC a.k.a. Kokomo's

Years in operation: 8

Percentage of business derived from restaurant service: 50 %

Type of the proposed establishment (detailed explanation of business): Tavern serving
food and alcoholic beverages to the general public.

Hours of Operation: 11 am to close Days of Operation: 7 days a week

Noise, crowd, parking lot control methods: Existing wood board on board fenced along residential
property separating parking lot. Outdoor dining area will be fenced per screening below and the
attached site plan.

Maximum number of persons permitted to occupy the building or tenant space as determined by
the International Building Code (IBC) or the International Fire Code (IFC), whichever is more
restrictive: 90 persons.

Outdoor uses:

Location, type, size and design of outdoor facilities: Outdoor area is seating area for dining,
beverages and smoking.

Type and height of screening: plantings/fencing/gating: Wrought iron fence 4' tall between
brick & masonry piers at approximately 9' on center.

Is there any alcohol service incorporated in this outdoor facility proposal? Yes No

Hours of Operation: 11AM to closing Days of Operation: 7 days a week

Are there plans for outdoor music/entertainment? Yes No

If yes, describe sound proofing measures: Acoustical music against a solid wall to the east as a
barrier to buffer sound from the residential areas.

Is there any food service incorporated in this outdoor facility proposal? Yes No

Outdoor lighting:

Type: Parking lot lighting will be an extension of existing. Outdoor dining lighting will be
architectural lanterns part of the fencing.

Location: Parking lot lighting is shown on the site plan.

Off-street parking:

Number of spaces provided 70 off street parking space shared with Houdini's Gastropub

Other Licensed Premises:

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby taverns: Houdini's Gastropub 1216 S. Oneida Street

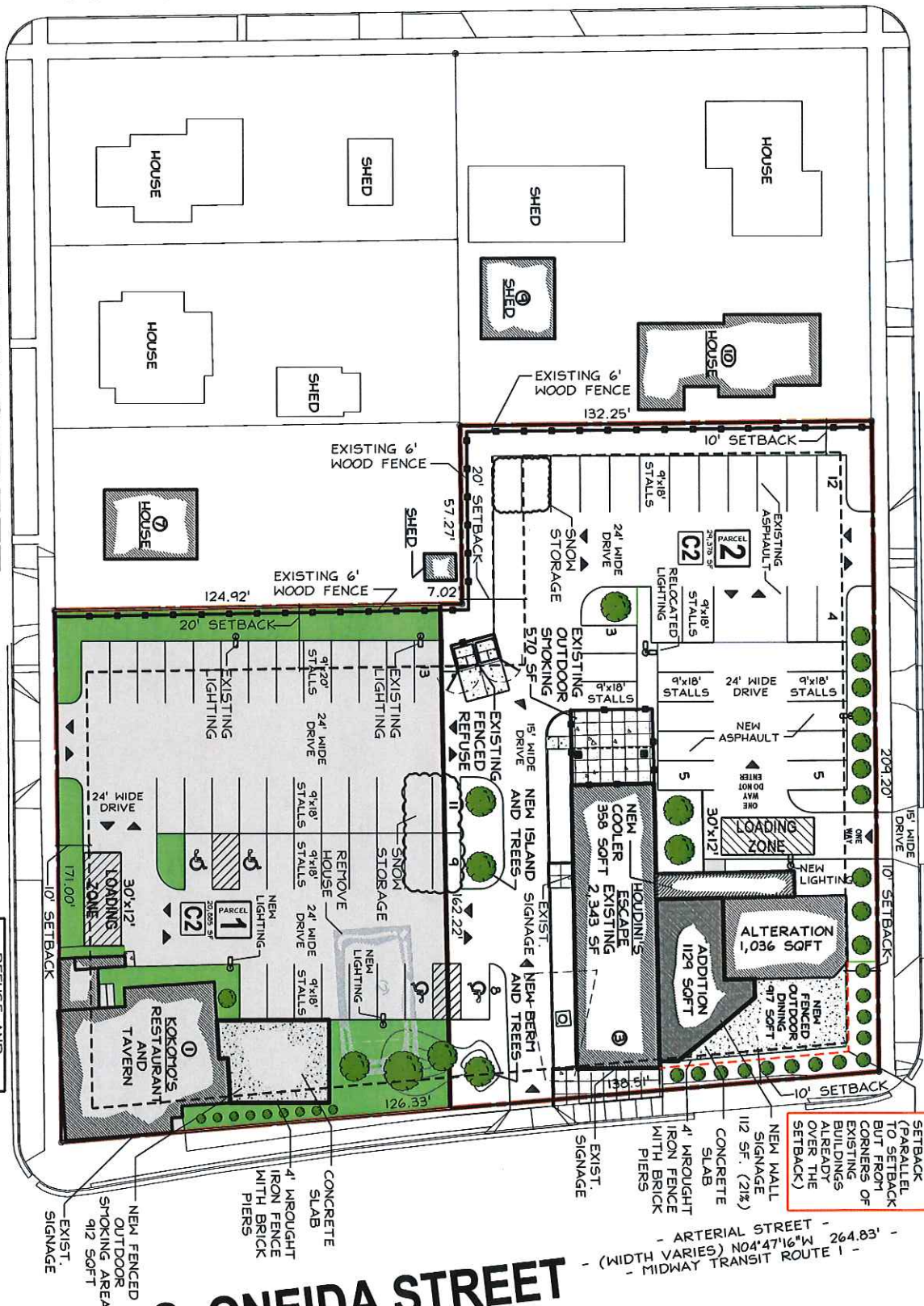
Amusement Devices:

Number of video games: 5 Pool Tables: 2

Other amusement devices: Dart Boards and Jukebox

E. HARRISON STREET - (60' WIDTH) S89°24'01"W 329.20' -

S. MONROE STREET - LOCAL STREET - (60' WIDTH) S00°40'12"E 264.00' -

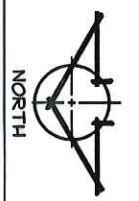


E. MCKINLEY STREET - (60' WIDTH) N89°25'16"E 348.22' -

SCHEMATIC SITE MASTER PLAN (OFF STREET PARKING: 70 STALLS) (PREVIOUSLY 56)

1200 South Oneida Street

Special Use Permit - Expand existing tavern with alcohol sales with an outdoor patio area with alcohol consumption



REFUSE AND PARKING SHARED BETWEEN HOUDINI'S ESCAPE GASTROPUB AND KOKOMO'S

ALLOWABLE SETBACK (PARALLEL TO SETBACK BUT FROM CORNERS OF EXISTING BUILDINGS ALREADY OVER THE SETBACK)

- ARTERIAL STREET - (WIDTH VARIES) N04°47'16"W 264.83' -
- MIDWAY TRANSIT ROUTE 1 -

S. ONEIDA STREET

SPECIAL USE PERMIT FOR - **KOKOMO'S**
1200 S. ONEIDA STREET, APPLETON, WI

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